

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71953 of 2024

Arising Out of PS. Case No.-328 Year-2024 Thana- GORAUL District- Vaishali

Ram Pravesh Bhagat @ Ram Pravesh Kumar, Male, aged about 24 years, son of Nawal Bhagat @ Nawal Kishore Bhagat, R/O Village- Chakarjani Baksama, P.S. - Goraul (O. P. Katahara) District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Learned counsel for the petitioner seeks permission to make necessary correction in the cause title with regard to name of the district of which the petitioner is resident as also in the prayer portion with regard to date of institution of FIR.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner apprehends arrest in connection with Goraul (OP Katahara) PS Case No.328 of 2024 dated 24.08.2024, instituted under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2022.

4. The allegation is of recovery of 1026.915 litres Indian made foreign liquor from the Pickup Van bearing registration no. BR 10 GA 9583 standing in the bamboo field of



Meghu Bhagat.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has not been arrested at the spot. Nothing has been recovered either from conscious possession or from the house of the petitioner. Petitioner is neither the owner nor the driver of the Pickup Van and the same does not belong to him. Lastly, it is submitted that two criminal cases are pending against the petitioner.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1 cum Additional District & Sessions Judge, Vaishali at Hajipur, in Goraul PS Case No.328 of 2024, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

