

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73929 of 2023

Arising Out of PS. Case No.-82 Year-2021 Thana- NAURANGIA District- West Champaran

Prakash Godra @ Prakash Son of Thagra Ram Resident Of Village - Chital
Vadora, P.S. - Chittalvara, District - Jalaor, State – Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 10-04-2024 Heard Mr. Surendra Kishore Thakur, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Naurangiya P.S. Case No. 82 of 2021 registered for the offences punishable under Sections 467, 468, 420 and 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a secret information intercepted a Truck bearing registration no. RJ 19 GC 0119 and, on search, total 5013 liters of Indian Made Foreign Liquor was recovered. The petitioner is said to be owner of the truck in question. Thus, his name has been implicated in this case.

4. It is submitted by the learned counsel for the petitioner that the petitioner has been made accused in this case



only because of he being owner of the truck in question. It is further contended that the vehicle was being run by the Manager and the driver on rent and he was not knowing as to what goods are being carried. Moreover, his name has been implicated only on the disclosure made by the apprehended person, who was driving the truck. During the course of investigation, no material has been brought on record suggesting any active role of the petitioner being owner of the vehicle. It is further submitted that the petitioner is a permanent resident of the State of Rajasthan and on the alleged date and time of occurrence, he was not even present in the State of Bihar. However, only on account of his antecedent, which is 34 in numbers, his name has been implicated in this case. It is next submitted that save and except, the petitioner being the owner of the truck in question, there is no other material. Moreover, he is in custody since 12.04.2023 and the other co-accused persons having allegation of indulging in bootlegging of liquor, have been allowed the privilege of bail.

5. On the other hand, learned counsel for the State, vehemently opposed the bail application and submitted that the petitioner is carrying 34 criminal antecedents, though all the cases have been instituted in the State of Rajasthan, barring one



which shows the criminal background of the petitioner.

6. It is worth observing that “merely on the basis of criminal antecedents, bail cannot be denied. While considering the application for grant of bail, it is duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.” [vide **Maulana Mohammed Amir Rashadi v. State of Uttar Pradesh and Another, (2012) 2 SCC 382**].

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of custody, besides the undertaking given by the petitioner that he shall fully cooperate in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagha, West Champaran in connection with Naurangiya P.S. Case No. 82 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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