

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78098 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- SAHPUR District- Patna

Dharamjit Ram Son of Nihora Ram @ Mihora Ram @ Nihora Prasad R/o-
Gorhna, P.S - Neura, Distt - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Adv.

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard Mr. Ram Jiban Prasad Singh, learned Advocate
for the petitioner and Ms. Indu Kumari Srivastava, learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Special Excise Case No. 791 of 2022 arising out of Shahpur P.S. Case No. 210 of 2022, registered for the offences punishable under Sections 30(a), 41, 56 of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of indulge in trafficking of illicit wine. The police on secret information intercepted Tata Magic bearing registration No. BR01GD-4052 and apprehended the driver. On search, total 150 litres country made liquor was recovered. The name of the petitioner has been implicated on account of he being the owner of the (Tata Magic)



vehicle in question.

4. Learned Advocate for the petitioner contended that admittedly the petitioner was neither apprehended at the place of occurrence nor any incriminating material has been recovered from his conscious or constructive possession. It is further contended that in fact the Tata Magic vehicle in question was being run by the driver for carrying passengers and, as such, the petitioner was not acquainted with the fact that his vehicle has ever been used for any illicit purpose. The petitioner bears fair antecedent and now he has been incarcerated since 22.08.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated only on account of he being the owner of the vehicle in question, coupled with the fair antecedent and the investigation being complete, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 791 of 2022 arising out of Shahpur P.S. Case



No. 210 of 2022, subject to the condition that one of the bailors shall be the own/close family members 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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