

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75824 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- SAHPUR District- Bhojpur

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DALU RAM Son of Kesra Ramji R/o vill and P.O. - Bamarla, P.S. - Sherwa,
Distt. - Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anupam Prabhat Shrivastava

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Shahpur P.S. Case No. 395 of 2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) and 34 of the IPC and Sections 30(a), 32(1)(2), 36 and 41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, petitioner is said to have apprehended on the spot being driver of the truck in question and from the said truck, 7092.36 litre illicit liquor of different brand was recovered.

4. Learned counsel for the petitioner submits that petitioner is in custody since 11.09.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not the owner of the truck in question and petitioner being driver has to follow the instruction of his owner to earn livelihood. Petitioner has no knowledge that alleged liquor kept in the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Bhojpur, Ara in connection with Shahpur P.S. Case No. 395 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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