

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82135 of 2023

Arising Out of PS. Case No.-847 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Ramesh Kumar Son of Sayba Ram Resident of Village - Dudu, P.S. - Dhorimana, District - Barmer (RAJSTHAN)
 2. Laxman Ram Son of Prema Ram Resident of Village - Kharen, P.S. - Ramsar, District - Barmer (RAJASTHAN)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupam Prabhat Shrivastava

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sadar P.S. Case No. 847/2023 registered for the offences punishable under Sections 420, 467, 468, 120(B) of the Indian Penal Code and Sections 30(a), 32 (ii) (iii), 36 and 41(i) (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, there was alleged recovery of total 7300.08 liters foreign liquor from Truck (container) in question and the petitioner no.1 was alleged to be driver and petitioner no.2 was alleged to be conductor of the said truck (container) in question and both were apprehended on



the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners have nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 28.08.2023. The petitioner no.1 bears no criminal antecedent and petitioner no.2 bears criminal antecedent of two cases. He further submits that the petitioners are not the owner of the alleged vehicle in question. The petitioner no.1 is merely a driver and petitioner no.2 is merely a conductor of the said vehicle and have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I, Muzaffarpur in connection with Sadar P.S. Case No. 847/2023, 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) Petitioners 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 petitioners tamper 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)

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