

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83484 of 2023

Arising Out of PS. Case No.-562 Year-2023 Thana- BRAHMPUR District- Buxar

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MANGLA RAM SON OF HARJI RAM R/O VILLAGE- BHAWAR, P.S.-
SHERVA, DISTRICT- 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, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Brahampur P.S. Case No. 562 of 2023 registered for the
offences punishable under Sections 420, 467, 468, 471,
120(B)/34 of the IPC and Sections 30(a), 32(1)(2) and 41(1)(2)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 4252.32 litre illicit foreign
liquor was recovered from container in question which was
being driven by the petitioner and petitioner apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He further submits that petitioner is not



owner of the container in question. Petitioner is merely driver of the said container and he has to follow the instruction of his owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner has no knowledge regarding the alleged liquor that has been kept in the container in question. Petitioner is in custody since 13.09.2023 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.

5. The learned A.P.P. for the State 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 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 Excise Judge, Court No. 2, Buxar in connection with Brahampur P.S. Case No. 562 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)

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