

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82347 of 2023

Arising Out of PS. Case No.-443 Year-2023 Thana- CHHATAUNI District- East Champaran

Dhana Ram S/O Laxman Ram R/O Bhadha P.S.- Sedwa, District- Barmer
(RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupam Prabhat Shrivastava

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioner seeks bail in connection with Chhatauni P.S. Case No. 443/2023 registered for the offences punishable under Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code and Sections 30(a), 32(ii) (iii), 36 and 40(i) (ii) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, 5203.08 litre foreign liquor was recovered from Mahendra Truck in question and petitioner(driver) was apprehended on spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner is not the owner of the said



truck and he has no knowledge about the alleged recovery. Petitioner being the driver of the vehicle in question, has to follow the instructions of owner to earn his livelihood. Basically no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that petitioner is in custody since 15.09.2023. Learned counsel orally submits that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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

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 Excise Judge Court No. 1, Motihari in connection with Chhatauni P.S. Case No. 443/2023, subject to the 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)

Asmit/-

U		T	
---	--	---	--

