

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83085 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- BARAHAT District- Banka

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Kishan Ram Son of Tulsha Ram Resident of Village Jaydoo Barmer P S
Barmer, Distt - Barmer (Rajasthan)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 3 05-03-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.
2. The petitioner seeks bail in connection with Barhat
P.S. Case No. 204 of 2023 instituted for the offences punishable
under Sections 420, 467, 468, 120B of the Indian Penal Code
and 30(a), 32(2), 41 of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 6859
litres of liquor was recovered from truck.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and has no concern with the loaded articles/liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 10.09.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barhat P.S. Case No. 204 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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