

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1101 of 2024

Arising Out of PS. Case No.-557 Year-2023 Thana- KOILWAR District- Bhojpur

1. NENA RAM S/o Uda Ram R/o-HonduDhuriawas, P.S-Sindhari, District-Barmer(Rajasthan)
2. Mehra Ram S/o Dugra Ram R/o Bhakhari, P.S-Sindhari, District-Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupam Prabhat Shrivastava, Adv.

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

1. The petitioners seek bail in connection with Koilwar P.S. Case No. 557 of 2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471 120(B) of the I.P.C. and Sections 30(a), 32(1) (2), 36 and 41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

2. As per prosecution case, 5292.360 litre foreign liquor was recovered from twelve wheeler truck in question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioner no. 1 is driver and petitioner no. 2 is co-driver of the



said truck and they are not the owner of the said truck in question. Petitioners being driver and co-driver have to follow the instruction of the owner of the said truck to earn the livelihood. They have no knowledge regarding the said liquor that has been kept in the said truck in question. Petitioners are in custody since 15.09.2023 and bear no criminal antecedent. They are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge II, Bhojpur in connection with Koilwar P.S. Case No. 557 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) 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)

alok/-

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

