

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6927 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- VAISHALI District- Vaishali

1. RAKESH KUMAR @ RAKESH KUMAR VERMA SON OF KALU RAM
RESIDENT OF VILLAGE - DAWANDJALAN, P.S. - SADAR, DISTRICT
- GANGANAGAR, RAJASTHAN
2. ARIF KALAL SON OF MAKBUL KALAL RESIDENT OF VILLAGE -
BHALERI, P.S. - BHALERI, DISTRICT - CHUDU, RAJASTHAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

1. The petitioners seek bail in connection with
Vaishali P.S. Case No. 418 of 2023 registered for the offences
punishable under Sections 420, 467, 468, 471 and 120(B) of the
I.P.C. and Sections 30(a), 36(i) and 41(1) of the Bihar
Prohibition and Excise Act, 2018.

2. As per prosecution case, 3949.980 litre illicit
liquor was recovered from 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 in question. Petitioners are not the owner of the said truck. Petitioners being driver and co-driver have to follow the instruction of their owner to earn the livelihood. They have no knowledge regarding the alleged liquor that has been kept in the said truck. They are quite innocent and have committed no offence as alleged against them in F.I.R. and they have falsely been implicated in the present case. Petitioners are in custody since 27.09.2023 and they bear 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.

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 Special Judge, Excise Act (II) cum Additional District and Sessions Judge, Hajipur, Vaishali in connection with Vaishali P.S. Case No. 418



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)

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