

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.487 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- DINARA District- Rohtas

1. Vikash Jat @ Virma Ram Jetha Ram Resident of Village- Konara, P.S.- Chauhatan, District- Barmer, Rajasthan.
2. Porkha Ram Bhoma Ram Resident of Village -Antiya, P.S.- Chauhatan, District- Barmer, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Dinara Police Station Case No. 372 of 2023 registered for the offences punishable under Sections 467, 468, 471/34 of the IPC and Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 6553.8 litre illicit foreign liquor was recovered from truck in question and both petitioners were apprehended on spot.

Learned counsel for the petitioners submit that petitioners are innocent and has committed no offence as alleged in the FIR and they have falsely been implicated in this case. It



is further submitted that petitioners are not the owners of the alleged truck in question and they have no knowledge regarding the illicit liquor kept in the said truck. Petitioner no. 1 being driver and petitioner no. 2 being co-driver of the truck in question have to follow the instructions of owner to earn their livelihoods. It is further submitted that the owner of the alleged truck is Manjit Singh. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are in custody since 01.08.2023. Petitioner no. 1 bear no criminal antecedent. Learned counsel orally submits that petitioner no. 2 bears criminal antecedent of one case in which he is on bail.

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

Considering the facts and circumstances of the case, period of custody, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Rohtas at Sasaram in connection with Dinara Police Station Case No. 372 of 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) 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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