

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3457 of 2024

Arising Out of PS. Case No.-0851 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Ajay Jat Son of Gutta Ram Jat R/o Village- Chatarpur, P.S.- Bansur, District- Alwar (Rajsthan)
2. Subhash Jat S/o Babulal Jat R/o Badnager, P.S.- Pragpura, District- Jaipur, (Rajsthan)
3. Lakhu Ram @ Laghu Ram Son of Jagdish Prasad Swami R/o Village- Gasikawala, P.S.- Bansur, District- Alwar (Rajsthan)

... .. Petitioner/s

Versus

The State of Bihar Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mohania P.S. Case No. 851 of 2023 registered for the offences punishable under Section 414 of the IPC and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 273.96 litre illicit foreign liquor was recovered from Maruti car in question which was being driven by the petitioner no. 1. It is alleged that petitioners no. 2 and 3 were found sitting in the said car and all the petitioners apprehended on the spot.



4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR and they have been falsely implicated in this case at the behest of their enemy. He further submits that petitioner no. 1 is owner cum driver of the vehicle in question and petitioners no. 2 and 3 are friend of petitioner no. 1 and they have been apprehended on the spot on the basis of suspicion. Petitioners are in custody since 11.12.2023 and bear no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. Petitioners have no concern with the seized liquor in question. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, 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 Judge (Excise) No. 1, Kaimur at Bhabua in connection with Mohania P.S. Case No. 851 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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