

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13754 of 2025

Arising Out of PS. Case No.-395 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Hariram @ Harish S/O Suraram R/O Village- Konra, P.S- Chauhtan, Distt.-
Badmer Rajasthan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Suruchi Anand, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2025 Heard Ms. Suruchi Anand, learned counsel for the
petitioner and Mr. Mohammad Arif, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.05.2023, in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 395 of 2023, F.I.R. dated 22.05.2023 registered for the offences punishable under Sections 467, 468, 419, 420, 471 & 34 of the Indian Penal Code and Sections 30(a)/32(1)(2) & 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 4914.36 litres of illicit liquor.

4. Earlier the petitioner was granted bail by this Court vide order dated 18.10.2024 passed in Cr. Misc. No. 65236 of 2024 but the bail bond of the petitioner was not accepted. Thereafter, the petitioner has moved before the Court for modifying the order dated 18.10.2024 but the was dismissed



vide order dated 13.12.2024 passed in Cr. Misc. No. 86932 of 2024.

5. Learned counsel for the petitioner submits that from perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the truck (container) in question and the petitioner has been made accused in the present case merely on the ground that petitioner is the driver of the Truck in question. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.05.2023.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters.

7. Considering the aforesaid facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner as well as earlier the petitioner has been granted bail by this Court and the petitioner is in custody since 23.05.2023, let the petitioner, 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 Excise Court No. 1, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 395 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

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

