

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2019  
(Arising out of SLP (Cr1.) No.1348/2019)

RAJU RAM & ANR.

Appellant(s)

VERSUS

STATE OF BIHAR

Respondent(s)

## O R D E R

Leave granted.

Appellants are alleged to have committed offences punishable under Section 272, 273, 414/34 of the Indian Penal Code and Sections 30(a), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the respondent-State submits that the charge-sheet qua the present petitioners has been filed but the investigation is proceeding against the other accused.

Application for bail preferred by the appellants was disposed of by the High Court in following terms:

*"Considering the quantum of recovery of liquor, let the petitioners, above named, be released on bail after completion of nine months of custody on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saraiya Police Station Case No.323 of 2018, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioners shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioners."*

We have heard learned counsel for both sides.

In our considered view, the High Court was not justified in putting the qualification that the appellants be released on bail "only after completion of nine months of custody".

We, therefore, set-aside the impugned order and direct release of the appellants on bail subject to the satisfaction of the Trial Court. The Trial Court is at liberty to impose such conditions as it deems appropriate to ensure the presence of the appellants in the proceedings in connection with the offences in question.

This criminal appeal stands allowed, in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[INDU MALHOTRA]

NEW DELHI;  
MARCH 06, 2019

ITEM NO.10

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No.1348/2019

(Arising out of impugned final judgment and order dated 20-09-2018 in CRM No.57091/2018 passed by the High Court Of Judicature At Patna)

RAJU RAM &amp; ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

Date : 06-03-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Saurabh Ajay Gupta, AOR  
Mr. Nishant Bishnoi, Adv.  
Ms. Srishti Prabhakar, Adv.

For Respondent(s) Mr. Devashish Bharuka, AOR  
Mr. Ravi Bharuka, Adv.  
Ms. Sarvshree, Adv.  
Mr. Justine George, Adv.  
Mr. Aditya Singala, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Criminal Appeal is allowed, in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER

(Signed Order is placed on the File)