

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17260 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- CHORAUT District- Sitamarhi

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Braj Mohan Kumar Son Of Baidyanath Sahni Resident Of Village- Jalalpur  
Bhittha, P.S - Pupri Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      07-07-2021                      This matter is taken up for consideration through  
  
Video Conferencing under the orders of Hon'ble the Chief  
  
Justice.

Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner seeks bail in Choraut P.S. Case No. 88  
of 2020, registered for the offence punishable punishable under  
Section 30(a), 38 and 41 of the Bihar Prohibition and Excise  
Act, 2016.

As per the prosecution case, 223 litres of Nepali Saufi  
wine has been recovered from tempo and 40 litres has been  
recovered from motorcycle.

It is submitted that petitioner and other accused  
persons are alleged to have engaged in transportation of illegal



wine through tempo and motorcycle. Nothing has been recovered from conscious possession of this petitioner. Petitioner is neither the owner nor the driver of vehicle in question and he was simply a co-passenger and was not aware about the nature of consignment. Petitioner is in custody since 06.09.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the period of custody coupled with the fact that petitioner claims clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge (Excise Act), Sitamarhi in connection with Choraut P.S. Case No. 88 of 2020 subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty  
to move for cancellation of bail of the petitioner.

**(Prabhat Kumar Singh, J)**

vinita/-

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