

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24864 of 2021**

Arising Out of PS. Case No.-439 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Gautam Ojha Son Of Oly Ojha @ Krishn Mohan Ojha Resident Of Khabada,
P.S.- Sadar, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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

2 27-07-2021 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 Muzaffarpur Sadar P.S.

Case No. 439 of 2020, registered for the offence punishable

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

189.840 litres of foreign liquor has been recovered

from a vehicle and driver of the said vehicle was apprehended

on the spot. It is alleged that the liquor belongs to petitioner.

It is submitted that no recovery has been made from

conscious possession of this petitioner and has nothing to do



with the alleged recovery. Petitioner is neither the driver nor the owner of the vehicle in question and he was not apprehended on the spot. Petitioner is in custody since 20.10.2020.

Considering the period of custody, 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 Special Judge Excise Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 439 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)

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