

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31774 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Suresh Kumar Mehra Son Of Gobind Singh Mehra Resident Of Village -
Kharima Banwasa, P.S.- Raunak Pur, Distt.- Pithaura Garh, Utter Pradesh,
Present Address Hous No.188, Sector 22,23, P.S.- Ballabh Garh, Distt.- Farida
Bad (Hariyana) ... Petitioner/S

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Advocate
For the Opposite Party/s : Mr. BK Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 420 and other allied sections of the Indian Penal Code and section 30a of the Bihar Prohibition and Excise Act.

As per the prosecution case, 428.670 liters of foreign liquor was recovered from the vehicle of which petitioner was the driver. He was arrested on the spot.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery as he was merely the driver of the vehicle and was not aware of the nature of consignment being carried by the said vehicle. Petitioner claims clean antecedent. Petitioner is in custody since 26.2.2021. Investigation is complete.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the period of custody of the petitioner, let the petitioner, above named, be released 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 Additional Sessions Judge II cum Special Judge, Excise Act Gopalganj in Kuchaikote Police Station Case No. 75 of 2021 on 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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