

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10194 of 2022**

Arising Out of PS. Case No.-37 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

Umesh Rai S/O Ramayan Rai R/o village- Ghoghraha, P.S.- Mohammdpur,
District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Upendra Kumar

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

2 22-04-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner seeks bail in Mohammadpur P.S. Case No. 37 of 2021, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

1760 litres of foreign liquor and 50 litres of spirit has been recovered from the bank of river Gandak. Petitioner is alledged to have fled away after seeing the police party.

It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner has been made accused in this case only because he has got criminal antecedent. Petitioner has got no concern with the seized liquor. Petitioner is in custody since 28.12.2021.



Counsel for informant however vehemently opposed the prayer for bail and submitted that petitioner has got criminal antecedent of similar nature.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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