

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14196 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- KARPI District- Jehanabad

PRAMOD KUMAR @ PRAMOD YADAV @ MUKHIYA Son of Chhote
Narayan Singh Resident of Village - Chamandi (Fatehpur Sanda), P.S.-
Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Excise Case No. 913 of 2021, arising out of Karpi P.S. Case No.
190 of 2021 for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per the allegation made in the F.I.R., 25 litres of
country made liquor was recovered from a motorcycle bearing
Registration No. BR1AE5017. Petitioner was not apprehended
on the spot.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that five similar cases under Excise Act are pending against the petitioner and for that reason on mere suspicion he has been roped in the present case. Nothing has been recovered from conscious possession of the petitioner rather alleged recovery has been made from a motorcycle. Petitioner is in custody since 08.12.2021.

Mr. Pradeep Narain Kumar, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He has pointed out that petitioner is a habitual offender and several cases are pending against him including five cases under Bihar Prohibition and Excise Act, as such, the petitioner does not deserve to be released on bail. He, however, submits that petitioner was not apprehended on the spot, nothing has been recovered, so far as the present case is concerned, from his possession, but taking into consideration the criminal antecedent of the petitioner, some stringent condition may be imposed so that illicit trade of liquor in the State of Bihar can be stopped.

Considering the nature of allegation made against the petitioner, nothing has been recovered from conscious



possession of the petitioner rather the recovery has been made from a motorcycle and the quantity recovered is 25 litres, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.200,000/- (Rupees two lacs) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Court No.2, Jehanabad in connection with Karpi P.S. Case No. 190 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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