

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21486 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- MEHANDIA District- Jehanabad

BRAJESH KUMAR S/o Late Ram Chandra Mistri R/o Village- Tazpur, P.S.-
Mehandia, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Mehandia P.S. Case No. 145 of 2021 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 40 litres country made mahua liquor from the sack loaded on
the motorcycle in question. It is alleged that driver of
motorcycle fled away from the place of occurrence. Hence, the
FIR, has been lodged against unknown driver and owner of
motorcycle in question.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and being owner of seized motorcycle he has been implicated in this case, as mentioned in the impugned order. Nothing has been recovered from conscious possession of the petitioner. Learned counsel further submits that in the late night of 22.09.2021 the petitioner was returning to his home on motorcycle and due to some mechanical trouble in the engine his motorcycle has been suddenly stopped and he parked the said motorcycle near Devi Asthan. Petitioner is in custody since 27.02.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Special Judge (Excise)-II, Jehanabad in connection with Mehandia P.S. Case No. 145 of 2021/Excise Case No. 850 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

