

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.30123 of 2022**

Arising Out of PS. Case No.-161 Year-2021 Thana- BIHARIGANJ District- Madhepura

Brajesh Kumar Son of Awadh Narain Mehta @ Awadh Lal Mehta Resident of  
Village - Rajganj, Police Station - Bihariganj, District - madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      10-08-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

Recovery is of total 444.350 litres of illicit liquor.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case on the basis of suspicion. He further submits that it  
appears from the F.I.R. as well as seizure list that the alleged  
recovery has been made from the Tata Vehicle and nothing has



been recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 learned Court below where the case is pending in connection with Bihariganj P.S. Case No. 161 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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