

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47936 of 2021**

Arising Out of PS. Case No.-93 Year-2021 Thana- OBRA District- Aurangabad

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UJJWAL KUMAR MISHRA S/o- SANT KUMAR MISHRA Resident of  
Village- Gopalganj, P.S.- Vijayipur, District- Gopalganj, At present resident of  
Kshatriya Nagar, Aurangabd, P.S.- Auragabad, District- Aurangabad.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate.  
For the State : Ms. Asha Devi, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

3      10-02-2022      The applicant/accused in Crime No.93 of 2021 registered  
with Police Station-Obra for the offence punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act, by this  
application is seeking his release on bail during the pendency of  
the trial.

The learned counsel for the applicant submitted that the  
applicant is arrested in the subject crime on the basis of  
suspicion and the Scorpio vehicle from which the spirit came to  
be seized is not owned by him.

The learned A.P.P. opposed the application by contending  
that what is relevant is possession and not the ownership.

The applicant is given out of turn hearing on account of  
illness of mother of the applicant.



I have considered the submissions so advanced and also perused the materials placed before me.

On the basis of secret information regarding transportation of spirit, police started checking the vehicles and in that process, police stopped Scorpio vehicle. It is alleged that the applicant was the passenger in the said Scorpio vehicle which was transporting 560 liters of spirit.

The investigation of the subject crime is over. The applicant is undergoing pretrial detention from 04.05.2021. Therefore, I see no reason to deny bail to the applicant and therefore the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.93 of 2021 registered with Police Station-Obra for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to



any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

**(A. M. Badar, J)**

P.S./-

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