

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48156 of 2021**

Arising Out of PS. Case No.-109 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

AKASH @ ASHU Son of Vijendar Resident of Village - Shamalakha, P.S.-  
Shamalakha, Distt.- Panipath (Haryana).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      18-01-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 09.06.2021,  
seeks bail in connection with Mohammadpur P.S. Case No. 109  
of 2021, for the offence punishable under Section 414 of the  
Indian Penal Code and Section 30(a) of the Bihar Prohibition  
and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether  
881.685 litres of illicit Indian Made Foreign Liquor was  
recovered from the Ambulance bearing registration No. UP23T-  
3060. The petitioner was apprehended on the spot. Thereafter,



seizure-list was prepared and the copy of the seizure-list was handed over to the petitioner.

Learned counsel appearing on behalf of the petitioner submits that petitioner has got clean antecedent and he has falsely been implicated in this case. He further submits that petitioner is not the owner of the said vehicle. He further submits that the owner of the vehicle deceived the petitioner on the pretext that medical equipment is loaded on the said vehicle.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-Cum-Special Judge, Excise, Gopalganj in connection with Mohammadpur P.S. Case No. 109 of 2021. One of the sureties must be the wife of the owner of the aforesaid vehicle bearing registration No. UP23T-3060, if the wife of the owner of the vehicle refuses to become bailor on



behalf of the petitioner, the Court below shall take appropriate legal action against the wife of the owner of the said vehicle and in that circumstances, this Court directs that any local respectable person shall execute bond for release of the petitioner, subject to the following further conditions:-

(1) Bailors should have 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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