

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71024 of 2021

Arising Out of PS. Case No.-356 Year-2021 Thana- RAJAOLI District- Nawada

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BRAJESH KUMAR S/O MITHLESH PASWAN R/o village- Bahadurpur,
P.S.- Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajouli P. S. Case No. 356 of 2021 registered for the offences punishable under Section 30 (a) (d), 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that during the course of vehicle checking, the police intercepted two motorcycles and the petitioner is said to be rider of the one of



the motorcycles, was also apprehended. It is further alleged that other persons also succeeded in fleeing away, however, on search, total 50-50 litres *Mahua* liquor was recovered from each motorcycles.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the motorcycle nor he has any concern with the alleged recovered *mahua* liquor. It is further submitted that in fact, the alleged *Mahua* liquor was being carried by some other persons. On noticing the police party they fled away from the place of occurrence and this petitioner was apprehended on suspicion. It is next submitted that only on account of past criminal antecedent, the name of the petitioner has been implicated in this case. It is last submitted that this petitioner is in custody since 14.07.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot with the illicit *mahua* liquor.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner has neither any concern with the motorcycle nor with the alleged recovered *mahua* liquor and moreover, he is in custody



since 14.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Nawada in connection with Rajouli P. S. Case No. 356 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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