

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6081 of 2023

Arising Out of PS. Case No.-655 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

SHRAWAN BIND S/O RAMASHANKAR BIND R/v- Mathachak, P.S.-
Kudra, District- Kaimur at Bhabua At present reside at Amari, P.S.-
Karwadiya, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
07.12.2022 in connection with Mohania P.S. Case No. 655 of
2022, F.I.R. dated 06.12.2022 registered for the offence
punishable under Section 144 of the IPC and Sections 30(a),47
of Bihar Prohibition and Excise (Amendment)Act, 2018.

Recovery is of 190.86 liters of country made foreign
liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious



possession of the petitioner rather the recovery has been made from the vehicle in question and the petitioner was apprehended. Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and there is non-compliance of Section 100 of Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, 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 learned Special Judge, Excise No.-1-cum-A.D.J.-IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 655 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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