

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44987 of 2023

Arising Out of PS. Case No.-306 Year-2023 Thana- PATRAKARNAGAR District- Patna

UJJWAL MAUSAM PRASAD SON OF UMESH PRASAD RESIDENT OF
VILLAGE- BAKHTIYARPUR PURWARI TOLA, PS- BAKHTIYARPUR,
DISTT- PATNA AT PRESENT RESIDING AT C/O SUDHIR SHARMA,
SACHIVALAY COLONY B-51, PS- PATRAKAR NAGAR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 28.04.2023 in connection with Special Case No.3828/2023, arising out of Patrakar Nagar P.S. Case No. 306/2023, dated 27.04.2023, for the offences punishable under Sections 30)a)/32(i)(ii)(iii)/36/41 (i)(ii) of Bihar Prohibition of Excise Act.
3. According to prosecution case, total 18 litres of foreign liquor has been recovered from the possession of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from car in question and from the house of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 Special Judge, Excise, Patna in connection with Special Case No.3828/2023, arising out of Patrakar Nagar P.S. Case No. 306/2023, 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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