

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50530 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- NAUBATPUR District- Patna

RAVI MOCHI SON OF SAMPAT MOCHI @ SAMPATI MOCHI
RESIDENT OF VILLAGE- SOHRA, PS- NAUBATPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023

Heard the parties.

The petitioner is in custody in connection with Naubatpur P.S. Case No. 119 of 2023 for the offence under sections 414 and 420 of the Indian Penal Code and sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of Bihar Prohibition and Excise Act lodged on 21.02.2023 by the informant, Deepak Kumar.

As per the prosecution story, the Police intercepted Santro and Swift Dzire car and recovered altogether 147.750 liters of wine. The petitioner was driving the Santro car. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that he is not the owner of the Santro car rather was driving that of his friend, little realizing that it is carrying 72 liters of illicit liquor, the rest having been recovered/seized from the Swift



Dzire car.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner do not have criminal antecedent, is in custody since 27.02.2023 and is not the owner of the car, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Danapur, in connection with Naubatpur P.S. Case No. 119 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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