

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52030 of 2023

Arising Out of PS. Case No.-472 Year-2023 Thana- CHAPRA TOWN District- Saran

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MOHAN KUMAR SON OF PASHUPATI RAI @ PASAPATI RAY R/O-
DAHIYAWAN, P.S.-BEHIND JIYA MASJID, P.S.-CHAPRA TOWN,
DISTT.-SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 09.06.2023 seeks
bail, in connection with Chapra Town P.S. Case No.472/2023,
dated 08.06.2023, for the offences punishable under Sections
414/34 of the IPC & Sections 30(a), 41(1) of Bihar Prohibition
and Excise Act.

3. According to prosecution case, 120 litres of country
made liquor and 19 litres of foreign liquor are said to have been
recovered from the possession of the petitioner and co-accused.

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



perusal of the F.I.R., it appears that co-accused Ajay Rai has kept 120 litres of foreign liquor and 19 litres of local Mahua liquor near the planni of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the planni of the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioner is in custody since 09.06.2023.

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 1st Special Judge Excise, Saran at Chapra in connection with Chapra Town P.S. Case No. 472/2023, 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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