

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53462 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- YADOPUR District- Gopalganj

Munna Bhagat Son Of Kalendr Prasad Resident Of Village- Hajiyapur, Ward
No. 27, P.S. Gopalganj Town,, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
17.06.2023, in connection with Jadopur P.S. Case No. 140 of 2023,
F.I.R. dated 16.06.2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of 153.00 litres of country made *liquor*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R. as
well as seizure list that 153 litres of country made liquor has
been recovered from the motorcycle in question and the
petitioner was apprehended at the place of occurrence along



with the illicit liquor and motorcycle in question. He further submits that from perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner and he has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that the petitioner is not the owner of the motorcycle in question and the petitioner is in custody since 17.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently 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 on the basis of paragraph-3 of the petition the petitioner is on bail in the said case.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Court No. 1, Gopalganj in connection with Jadopur P.S. Case No. 140 of 2023, subject to the following conditions :-

(1) Learned Trial Court is directed to verify the owner of the motorcycle in question which has been mentioned in the F.I.R. and if it is found that the petitioner is the owner of the



motorcycle, the bail bond should not be accepted by the learned Trial court.

(2) 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.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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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