

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53243 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- KUNAU LI District- Supaul

=====

OM PRAKASH MEHTA SON OF LATE TEJ NARAYAN MEHTA
RESIDENT OF VILLAGE- CHUTIYAH I PALAR, P.S.- KUNAU LI
(DAGMARA O.P.), DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 28.05.2023 seeks bail, in connection with S.T. Excise Case No.2162/2023, arising out of Kunauli (Dagmara O.P.) P.S. Case No.48/2023, dated 27.05.2023, for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. According to prosecution case, altogether 1080 litres of Nepali liquor has been recovered from the boat in question.
4. Learned counsel for the petitioner submits that the petitioner 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 the boat



which was situated near the bank of the river and the petitioner has no concern at all with the alleged recovery of illicit liquor and merely on the basis of suspicion, he has been apprehended in the present case. The petitioner is in custody since 28.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

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 Exclusive Special Judge, Excise Court No.2, Supaul in connection with S.T. Excise Case No.2162/2023, arising out of Kunauli (Dagmara O.P.) P.S. Case No.48/2023, 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)

amit/-

U		T	
---	--	---	--

