

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58405 of 2022

Arising Out of PS. Case No.-297 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Bablu Mali son of Ramavtar Mali resident of Sakin- Mahro Kala Badwaria,
P.O.- Pipriya, P.S.- Mohania, District- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Praveen Kumar Sinha, Advocate
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a) 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 202.5 liters of beer.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the recovery has been made from vehicle in question and not from petitioner's conscious possession. He further submits that the petitioner has no concern at all with the alleged recovery of beer or the vehicle in question. He further submits that the name of the petitioner has transpired on the basis of the confessional statement of the co-accused, namely, Niraj Kumar, who is the driver of the



vehicle in question. He further submits that co-accused person, namely, Neeraj Kumar and Om Prakash Singh have been granted bail by a Co-ordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No. 53459 of 2022 and 54852 of 2022 and another co-accused person, namely, Aman Singh has been granted bail by Co-ordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 56060 of 2022. He further submits that the petitioner is in custody since 28.08.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has transpired on the basis of the confessional statement of the co-accused, namely, Niraj Kumar, 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 Court below where the case is pending in connection with Mohania P.S. Case No. 297 of 2022, with 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 witness, 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 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)

Shahnawaz/-

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