

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62144 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- KOTWA District- East Champaran

Prem Prasad S/O Prabhu Prasad Resident Of Village Mathiya, Ps- Kesariya,
Dist- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 25.07.2023 in connection with Kotwa P.S. Case No. 278 of 2023, F.I.R. dated 23.07.2023 for the offences punishable under Sections 272, 273 of the IPC and 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, there has been recovery of 750.6 liters of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner, rather recovery has been made from the pickup van and maruti car in question and



although the petitioner has been arrested along with the vehicle and there is non compliance of Section 100 of the Cr.P.C. Further submits that petitioner is neither the driver nor the owner of the vehicle in question. The petitioner is in custody since 25.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition in which petitioner is on bail.

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 Excise Court No.1, Motihari, East Champaran in connection with Kotwa P.S. Case No. 278 of 2023, subject to the following conditions:-

i. 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.



ii. 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.

iii. 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)

Prakash Narayan

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