

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68705 of 2023

Arising Out of PS. Case No.-748 Year-2023 Thana- BIHTA District- Patna

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Sriniwas Mochi, S/O Late Bhagwan Mochi, Village- Sikandarpur, Post-Datiyana, Ps. Bihta, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special Excise Case No.2229/2023, arising out of Bihta P.S. Case No.748/2023 lodged on 21.07.2023 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total recovery of 324 litres of Indian Made Foreign liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The alleged recovery has been made from the *gumti* of the petitioner. The petitioner is a businessman and due to business rivalry somebody has implanted and informed the police. The petitioner



is in custody since 23.07.2023 having no criminal antecedent.

4. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is clean.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-Danapur, Patna, in connection with Special Excise Case No.2229/2023, arising out of Bihta P.S. Case No.748/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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