

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73925 of 2022

Arising Out of PS. Case No.-839 Year-2022 Thana- ARARIA District- Araria

BIPIN SADA Son of Umesh Sada R/v- Dih Mochra Ward No. 13, P.S.-
Alowli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of total 202.875 liters of foreign liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that the recovery has been
made from the Bolero vehicle and nothing has been recovered
from the conscious possession of the petitioner. He further
submits that petitioner is not the owner of the vehicle in
question and he is the driver of the vehicle in question and he



has no concerned at all with the alleged recovery of illicit liquor.

Vide order dated 13.01.2023 a report was called for with regard to the ownership of the vehicle in question. Report dated 04.02.2023 reveals that Sitaram Singh is the owner of the vehicle in question and petitioner is not the owner of the vehicle in question.

Learned counsel for the petitioner further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Araria P.S. Case No. 839 of 2022, 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)

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