

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59604 of 2024

Arising Out of PS. Case No.-102 Year-2024 Thana- MEHSI District- East Champaran

Sunil Kumar Son Of Laxman Mehta Resident Of Village - Kajaha, Babhani,
Ward No.2, P.S. - Gamhariya, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr.Bijay Prakash Singh, learned counsel for
the petitioner and Mr.Rajesh Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
08.07.2024 in connection with Mehshi P.S. Case No. 102 of
2024, F.I.R. dated 07.07.2024 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Recovery is of 1252.8 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR it appears that nothing has been
recovered from conscious possession of the petitioner and he is
not the owner of the Truck in question. Further submits that



from a bare perusal of the FIR it appears that the recovery has been made from Truck in question and petitioner is not the owner of the Truck in question rather the owner of the Truck in question is one Ravindra Kumar and altogether 1252.8 liters of foreign liquor was recovered from the Truck in question and the petitioner has been made accused in the present case only on the ground that the petitioner is driver of the Truck in question and the petitioner is in custody since 08.07.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact and petitioner has clean antecedent, 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 learned Exclusive Special Excise Court No.3, East Champaran, Motihari in connection with Mehshi P.S. Case No. 102 of 2024, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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