

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61369 of 2024

Arising Out of PS. Case No.-780 Year-2024 Thana- Excise P.S. District- Jamui

Md. Mohsim @ Mohsim S/o- Md. Ishaque @ Md. Ishak Village- Katrapar
Ward No 43, Baridargah Ps-Biharsharif District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr.Raj Kishor Prasad, learned counsel for the
petitioner and Ms.Sucheta Yadav, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.07.2024 in connection with Excise (Jamui) P.S. Case No.
780 of 2024, F.I.R. dated 17.07.2024 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

3. Recovery is of 657 liters of English wine.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. It appears from the FIR that nothing has been
recovered from conscious possession of the petitioner rather the
recovery has been made from the vehicle in question and
altogether 657 liters of English wine was recovered from the



vehicle in question and the petitioner is not the owner of the vehicle in question rather the petitioner is driver of the vehicle in question and the petitioner is in custody since 17.07.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended alongwith the illicit liquor and apart from that, the petitioner carries one more case other than the present one but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 Judge, Excise-II, Jamui in connection with Excise (Jamui) P.S. Case No. 780 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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