

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81398 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

Ravi Kumar Mishra S/O UMA SHANKAR MISHRA VILLAGE-
CHAMPAWATI,PS. SARSI, DIST. PURNEA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Muffsil P.S. Case No. 198 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, 183.960 litre foreign
liquor was recovered from the pick-up van in question and FIR
was registered against owner and driver of the pick-up van.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced in the present case on the basis of communication
made by co-accused Rahul Kumar on mobile during the course
of investigation. He further submits that petitioner is in custody



since 08.05.2023 and bears criminal antecedent of one case which is not similar to the present case and in the said case petitioner is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel submits that petitioner is not the owner of the vehicle in question and he further orally submits that petitioner is also not the driver of the vehicle in question. He further submits that petitioner is not apprehended on spot. He further submits that there is no compliance of Section 100 of Cr.P.C. Nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused Rahul Kumar Mehta has already been granted bail vide Cr. Misc. No. 81102 of 2023 by this Court and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be



released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge Exclusive Special Excise Court No.2, Katihar in connection with Muffsil P.S. Case No.198 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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