

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40051 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- SHRIKRISHNAPURI District- Patna

PIYUSH ANAND @ SHAHIL S/O KAMLESH SINGH R/o village- Chanda,
P.S.- Athalmalgola, Patna, at Present Renter of Kammo Mehta of Mohalla-
Monteshry Gali, Friend house, P.S.- Srikrishnapuri, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Adv

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 24.02.2021 seeks
regular bail in connection with Special Case No. 1346 of 2021
arising out of Shri Krishnapuri P.S. Case No. 63 of 2021
registered for offences punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

Case of the prosecution in brief is that a total 105
litres of illicit liquor was recovered from the house of the
accused persons named in the FIR.

Learned counsel on behalf of the petitioner submits
that nothing has been recovered from the conscious possession



of the petitioner. It is further submitted that two mobile phones, a Realme C2 Model No. RMX1945 and an Apple phone, colour mint bearing IMEI No. 355883613991496 were recovered from the petitioner. He further submits that petitioner is in custody since 24.02.2021 having no criminal antecedent.

Learned A.P.P., however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and specific allegation that two mobile phones a Realme C2 Model No. RMX1945 and an Apple phone, colour mint bearing IMEI No. 355883613991496 were recovered and no prohibited item as alleged in the F.I.R was recovered from the possession of the petitioner, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Shri Krishnapuri P.S. Case No. 63 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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