

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4014 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- OBRA District- Aurangabad

PRAKASH KUMAR, SON OF KAMESHWAR SINGH Resident of Village -
Chaurasi, P.s.- Sanjhauli, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Obra P.
S. Case No. 318 of 2021 (G.R. No. 1773 of 2021),
registered for the offences punishable under Section 30(a)(c)
and 33 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, from one Tata 407 vehicle, 1575
of Sushav was recovered.

The learned counsel for the petitioner submits that
the petitioner was not driving the vehicle rather he had taken
lift from the driver. He was arrested on the spot because at
the relevant point of time he was at the place of occurrence.



In fact, he was on the way to his Nanihal. Nothing has been recovered from conscious possession of the petitioner.

The petitioner is in custody since 10.12.2021.

It is also stated in paragraph no. 2 of the petition that that petitioner has not moved before this Hon'ble Court either for anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Aurangabad, in connection with Obra P. S. Case No. 318 of 2021 (G.R. No. 1773 of 2021) on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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