

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7766 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- BYPASS District- Patna

SATISH PRASAD @ SATISH BIND S/O KISHUN BIND R/o village-
Begampur, Mahaveer Asthan, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under section 30(a) of the Bihar
Prohibition and Excise Amendment Act.

Allegedly, 200 liters of country made liquor was
recovered from a tempo and petitioner and three other accused
persons were found intoxicated condition who were arrested
while sitting.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner has been
languishing in jail since 14.12.2021 and he is not owner of the
tempo and charge sheet has been submitted in petitioner's case.

Learned APP opposes the prayer for bail.



Heard both sides and perused the record. As per submission, investigation has been completed in respect of the petitioner and petitioner has claimed to be not owner of the alleged tempo and as per para 3 of the petition, he has got clean antecedent and on the alleged tempo, four persons including the petitioner were arrested. Considering these facts as well as petitioner's custody period in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner 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 the Special Judge, Excise, Patnacity, Patna in Bypass P.S. Case No. 489 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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