

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14785 of 2022**

Arising Out of PS. Case No.-317 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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PRABHUDAYAL SINGH Son of Late Machhu Singh Resident of Village-
Sahdullahpur Ward No.12, Police Station- Gangabridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-06-2022 The present application has been taken up out of its

turn on the basis of motion slip, which was allowed by the motion

Bench on the ground of marriage of son of the petitioner is

scheduled to be held on 14.06.2022. A mention slip filed on

behalf of the petitioner before the Motion Bench is kept on record

at Flag-'B'.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case

registered for the offence under Sections 30(a), 32(i), 32(iii),

41(i) and 41(ii) of the Bihar Prohibition and Excise Act, 2018

Recovery is of 135 liters of country made foreign

liquor.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner happens to be father of the co-accused Jogeshwar Singh and nothing has been recovered from the possession of his house rather the alleged recovery has been made from the house which comes under the possession of his son, Joegeshwar Singh, who has already been separated from the pettioenr five years before. This petitioner has no concern with the alleged recovery. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with C2A 317 of 2021: PR No. 35, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioner shall co-operate in the investigation 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 canceled 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) The learned court below shall examine, verify and seek a report from the concerned police station as to whether marriage of son of the petitioner is scheduled on 14.06.2022 or not before accepting the bail bonds of the petitioner.

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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