

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28505 of 2022**

Arising Out of PS. Case No.-227 Year-2021 Thana- UCHKAGAON District- Gopalganj

Krishna Singh Son of Maya Bhagat @ Maya Singh Resident of Village -  
Arna, P.s.- Uchakagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      31-08-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case  
registered for the offences punishable under Sections 30(a) of  
the Bihar Prohibition & Excise Act and Sections 25(1-b)a and  
26/35 of the Arms Act.

Allegation is of recovery of 439.560 liters of illicit  
liquor from the room of the petitioner.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in this  
case. It is submitted that mandatory provision of Sub-section 2  
of Section 74 and Section 82 of the Bihar Prohibition and



Excise Act with respect to search and seizure have not been followed. Further, it is submitted that the petitioner resides in his ancestral house and as such, was not known who had kept the liquor in the house. Learned counsel for the petitioner further submits that brother and father of the petitioner, namely, Baliram Kumar @ Baliram Bhagat and Maya Bhagat @ Maya Singh respectively have been granted bail by a Co-ordinate Bench of this Court *vide* Criminal Miscellaneous No. 64678 of 2021 on 04.02.2022. It is further submitted that the petitioner is in custody since 29.03.2022 and has antecedent of eight cases.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of cases, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of the charge** on appropriate sureties, in connection with Uchakagaon P.S. Case No. 227 of 2021, in addition to subject to 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 and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

**(Khatim Reza, J)**

Gaurav Kumar/-

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