

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48793 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- PUNPUN District- Patna

MAHENDRA PRASAD Son of Rajendra Prasad Resident of Punpun
Beldarichak, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for 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 26.05.2021, seeks
regular bail in connection with Special Case No. 3267 of 2021
arising out of Punpun P.S. Case No. 120 of 2021 registered for
offences punishable under Section 30(A) of the Bihar
Prohibition and Excise Act, 2018.

Prosecution story in brief is that altogether 180 litres
of country-made liquor was recovered from one auto-rikshaw
bearing registration no. BR-01GB 0504.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is neither driver or owner of the said



auto-rikshaw. He was one of the co-passengers sitting on the said auto-rikshaw. He further submits that petitioner has no connection either with the trade of illicit liquor or the liquor which has been recovered in the present case. Petitioner has clean antecedent and he is in custody since 26.05.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that illicit trade of liquor is rampant in the State of Bihar and the same has not been stopped in spite of complete prohibition being there in the State after coming into force of Bihar Excise Act, 2016 from the year 2016. In such circumstances, granting bail to the petitioner will not be in public interest.

Considering the facts and circumstances of the case as well as the period of custody of the petitioner, the Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise at Patna in connection with Special Case No. 3267 of 2021 arising out of Punpun P.S. Case No. 120 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 tampers 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 his bail bond.

The superintendent (Excise), Patna is directed to give a specific report with respect to the complicity of the petitioner and his role in trade of illicit liquor to the Court below.

With above observation and direction the present bail application is disposed of.

(Purnendu Singh, J)

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