

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67789 of 2022

Arising Out of PS. Case No.-516 Year-2022 Thana- BIHTA District- Patna

Prakash Chandra, Son Of Late Bhola Prasad Resident Of- M-10/63, Ar1,
Japyees Nagar, Kakarmatta, Bajardiha, P.S.- Bhelupr, District- Varanasi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 31, 32(i)(ii)(iii), 36, 41(i)(ii) of the Excise Act.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 155.03 litres of liquor from a vehicle.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that petitioner came to be implicated based on confessional statement of Santosh Kumar in police custody which does not have any evidentiary value. It is also submitted that one Pranav Kumar Rai is the owner of alleged vehicle and petitioner has license to sell liquor



in Uttar Pradesh and thus, he came to be implicated because the seized liquor were purchased from his shop.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bihta P. S. Case No.516 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if any application is filed by the Investigating Officer of the case that petitioner by concealing his antecedent has obtained bail, then the learned trial Court shall be at liberty to cancel his bail bonds after giving him an opportunity of hearing.

(Satyavrat Verma, J)

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