

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15001 of 2023

Arising Out of PS. Case No.-901 Year-2021 Thana- ALAMGANJ District- Patna

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KANHAI PRASAD Son of Late Shankar Prasad R/v- Sadikpur, Langaru
Akhara, Guljarbag, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Alamganj P.S. Case No. 901 of 2021 dated 30.12.2021
registered for the offence under Sections 30(a) of the Bihar
Prohibition and Excise Act. .

Recovery is of 16 liters of country made liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of disclosure made by the
local people. He further submits that it appears from the
F.I.R. and the seizure list that nothing has been recovered
from the conscious possession of the petitioner rather the



alleged recovery has been made from the Mina Bazar Domkhana. He further contends that the petitioner has no concern at all with the alleged recovery and the place from where the recovery has been made. He further contends that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Special Judge, Excise, Patna City in connection with Alamganj P.S. Case No. 901 of 20221with 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 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.

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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