

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22456 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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BHUSAN KUMAR SON OF HARDEO PRASAD YADAV RESIDENT OF
VILLAGE-VISHNUPUR AZAD CHAUK, WARD NO 43, PS-
(BEGUSARAI) TOWN DISTT-BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 56 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 141.120 liter foreign liquor and 108 liter RUM from the
house of co-accused Prabhu Yadav and the petitioner is
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.02.2023. Petitioner bears no
criminal antecedent. Nothing has been recovered from the



conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge – II, Begusarai in connection with Excise P.S. Case No. 56 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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