

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43089 of 2023**

Arising Out of PS. Case No.-89 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

ISHWAR PRASAD @ ISHWAR KUMAR S/O RAMCHANDRA PRASAD
R/O Village- Pachpakaria, P.S- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar

For the Opposite Party/s : Mr. Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 10-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) / 34 / 36 / 41 (i) of Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 821 liters of foreign liquor and country made liquor is said to have been recovered from the pick up van. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent as mentioned in para – 3 of this application.

4. Petitioner is agreed to deposit a sum of Rs. 20,000 (Rupees twenty thousand) in the account of Patna High Court



Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with G.B. Nagar Police Station Case No. 89 of 2023, subject to conditions laid down under Section 438(2) of Cr.P.C. that

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

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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