

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42803 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- BAHADURPUR District- Patna

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BABALU PRASAD @ BABALU KUMAR @KADAR KHAN SON OF
PRAMOD PRASAD RESIDENT OF VILLAGE- NAND NAGAR
COLONY, PS- BAHADURPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 102 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The accused/petitioner is named in the F.I.R. and is in custody since 14.02.2023.
4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 18 litres of IMFL.
5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of secret input provided by the



villagers, where recovery of illicit liquor appears to be made from an open place of village Nandnagar. While concluding the argument, it is submitted that petitioner found involved in six more cases, where he is on bail in five cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as alleged recovery of illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.02.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Bahadurpur P.S. Case No. 102 of 2022 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 Judge, Excise, Patna City/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not
involve in the similar nature of offence



till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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