

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58440 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- BAHADURPUR District- Patna

Harendra Singh Son Of Late Sidheshwar Singh R/O-Bahadurpur, P.S.-
Bahadurpur, Town And Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Learned counsel for the petitioner seeks
permission to make necessary correction in paragraph 12 of the
petition, which is a typographical error.

03. Permission is accorded.

04. Learned counsel for the petitioner is permitted to
do so in course of the day.

05. In the present case, the petitioner seeks bail in
connection with Bahadurpur P.S. Case No. 412 of 2022
registered on 06.12.2022, for the alleged offences under
Sections 30(a), 32(2) (3), 36 and 41(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

06. As per prosecution case, the police received
information about petitioner and co-accused persons storing



illicit liquor in their houses. A raid was conducted and from the house of the petitioner, recovery of 102.24 liters of India made foreign liquor was made and on subsequent raid, from the house of co-accused Pintu Singh, recovery of 18 liters of India made foreign liquor was made.

07. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner. Learned counsel further submits that a number of co-accused persons have been granted granted anticipatory bail and regular bail by the different Co-ordinate Benches of this Court vide order dated 29.04.2023 passed in Criminal Misc. No. 15024 of 2023, orders dated 19.05.2023 passed in Criminal Misc. No. 8943 of 2023, Criminal Misc. No. 30043 of 2023 and Criminal Misc. No. 30263 of 2023, respectively. Learned counsel further submits that the petitioner is slow witted and feeble minded person, he is not aware about the cases pending against him and for this reason, he stated before the police that four cases are pending against him. Learned counsel further submits that only one case is pending against the petitioner, apart from this case. The petitioner is in custody since 07.12.2022 and charge-sheet has



been submitted.

08. Learned APP for the State opposes the prayer for bail.

09. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna City, Patna in connection with Bahadurpur P.S. Case No. 412 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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