

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51301 of 2023**

Arising Out of PS. Case No.-214 Year-2022 Thana- KALYANPUR District- Samastipur

PRABHAT KUMAR @ PRABHAT KR. CHAUDHARY S/O SANJAY
CHOUDHARY R/O VILLAGE- NIMACHAK HAIDER, P.S-
CHAKMEHSI, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Kalyanpur P.S. Case No.214 of 2022 instituted under Section 30(a), 41(i) and 47 of the Bihar Prohibition Excise Act, 2016 lodged on 08.07.2022 by the informant Rahul Kumar.

As per the prosecution story, the police during course of patrolling recovered/seized 86.760 liters of foreign liquor from a container. This followed the FIR.

The case of the petitioner is that he does not own the container nor is its Driver. His name has appeared in the disclosure of Dharmendra Mehra who was arrested from the spot which has resulted into his custody since 14.06.2023 (para-14 of the petition).

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the



learned counsel for the petitioner, he was not arrested from the spot but his name has come from the confession of Dharmendra Mehra is neither the Driver nor the owner of the container, remained in custody since 14.06.2023, however he has criminal antecedent, this Court is inclined to grant him privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kalyanpur P.S. Case No.214 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise Court No.I, Samastipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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