

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56236 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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PRAKASH BHUSHAN HAZARI SON OF MANI BHUSHAN HAZARI
R/O-RAMPUR RAUT, P.O.-KUSHESHWARASTHAN, WARD NO. 013,
P.S.-KUSHESHWARASTHAN (HOSPITAL ROAD),
KUSHESHWARASTHAN PURBI, DISTT.-DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is an accused in connection with
Kusheshwarasthan P.S. Case No. 92 of 2023 registered for the
offences under sections 30(a) and 41 of the Bihar Prohibition
and Excise Act lodged on 06.04.2023 by the informant, Jai
Prakash Sah.

As per the prosecution story, the police raided the
water plant of the petitioner and recovered/seized 172.8 litres of
foreign liquor. Accordingly, the accusations and the FIR.

It is the case of the petitioner that the said water plant
has been closed by him long ago and never visit the said place,
the same may have been misused by the accused persons and as



such, he being the owner of the said water plant has been implicated, has suffered by being in custody since 15.06.2023 (as stated in paragraph 18 of the bail application) though he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that alleged recovery is from water plant.

Considering the submissions put forward by the learned Counsel for the petitioner as also the categorical statement made by him that the water plant was closed since long, has no criminal antecedent and is in custody since 15.06.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Special Judge Excise-II, Darbhanga in connection with Kusheshwarasthan P.S. Case No. 92 of 2023, subject to the 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 fortnight for next months 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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