

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57649 of 2023

Arising Out of PS. Case No.-619 Year-2023 Thana- KAHALGAON District- Bhagalpur

CHHOTE PRASAD son of Raju Prasad, resident of Village- Makkhatakiya,
N.A.C. near Ankiya, Police Station- Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Pandey Mr. Ved Prakash Chandan, Advocates
For the Opposite Party/s	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 31.05.2023, in connection with Kahalgaon (Ghogha) P.S. Case No. 619 of 2023, G.R. No. 2805 of 2023, F.I.R. dated 30.05.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 52.890 litres of *Indian made foreign liquor*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether



52.890 litre of Indian made foreign liquor has been recovered from the vehicle (Toto) in question and the petitioner is the driver of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor and there is non compliance of Section 100 of the Cr. P.C. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Judge-1, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 619 of 2023 G.R. No. 2805 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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