

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58993 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- KHUSRUPUR District- Patna

Prabhanshu Kumar, Son Of Ranjit Singh, R/O Nirmalichak, Ps- Khusrupur,
Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khusrupur P.S. Case No. 311/2023 lodged on 23.07.2023 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution case, total recovery of 100
litres of country made liquor is the subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. From the
seizure list, it is clear that the recovery of illicit liquor has been
made from the seat of the Auto and the petitioner being driver of
the said Auto was not aware about keeping of the said liquor.



The petitioner is in custody since 24.07.2023 having clean antecedent. The chargesheet has already been submitted.

5. Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the auto which was driven by the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-Patna City, Patna, in connection with Khusrupur P.S. Case No. 311/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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