

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68837 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- KATEYA District- Gopalganj

Paspati Singh, aged about 50 years, Gender- Male, son of Utim Singh,
resident of village- Bhagwanpur, P.S.- Kateya, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kateya PS Case No.368 of 2023 dated 16.08.2023, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 43 litres country-
made liquor from *Jharhi*, which is an open place.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from conscious possession of the petitioner or from the
house of the petitioner. The seizure has been made from open
place, which is accessible to all. Learned counsel further
submitted that five criminal cases are pending against the



petitioner on account of which he has been implicated in this case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II cum Special Excise Court No.1, Gopalganj, in Kateya PS Case No.368 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the



court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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