

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73641 of 2023

Arising Out of PS. Case No.-284 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

KRISHNA SINGH SON OF LATE DHARMNATH SINGH RESIDENT OF
VILLAGE- SONWALIA, PS- BAIKUNTHPUR, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Baikunthpur P.S. Case No. 284/2020 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 01.09.2020 by the informant, Prabhat Kumar.

As per the prosecution story, the allegation is that the police upon secret information raided the hut of Dhanesh Mahto and came to know about the frequent visit of other accused persons including this petitioner and further upon search, 335 liters country made liquor recovered/seized.

Learned counsel for the petitioner submits that admittedly, recovery is from the hut of Dhanesh Mahto and only



because the locals gave the name, he has been implicated. Further, Dhanesh Mahto has been granted bail by a bench of this Court vide order dated 18.03.2021 passed in Cr. Misc. No. 701 of 2021. The last submission is that he is in custody since 09.09.2023 (as stated in paragraph-11 of the petition).

Learned APP on the other hand, points out that the matter relates to 2020, Dhanesh Mahato remained in custody for six months and thereafter, he was released on bail vide Cr, Misc. No. 701 of 2021 (Annexure-3). This petitioner has evaded arrest for three years and only now he has chosen to walk in judicial custody.

Taking into account the submissions put forward by the parties as also that he has criminal antecedent though others have also been granted bail, this Court is inclined to grant him privilege of bail after framing of charges.

Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -II cum Excise Judge- I, Gopalganj in connection with Baikunthpur P.S. Case No. 284 of 2020, 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six 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.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

