

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73395 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- SANHAULA District- Bhagalpur

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PRADEEP PRASAD BHAGAT @ PRADEEP KUMAR BHAGAT SON OF
GANESH PRASAD BHAGAT RESIDENT OF VILLAGE - LALLU CHAK,
P.S. - LODIPUR, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Sanhoula P.S. Case No. 138 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 29.08.2023 by the informant, Om Prakash Singh.

3. As per the prosecution story, the police intercepted a tempo and recovered/seized 7 liters 470 ml of foreign liquor from the back seat and the petitioner who was present, arrested. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner being an auto driver, had no knowledge that some passenger had left the bag on the sight of the police and he was implicated only because he has criminal antecedent and has



suffered by being in custody since 30.08.2023 (as stated in paragraph 6 of the petition) as a result whereof, his family is on the verge of starvation.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also his period of custody i.e. 30.08.2023, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Bhagalpur or his successor court, in connection with Sanhoula P.S. Case No. 138 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/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 bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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