

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75550 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- BISFI (PATAUNA) District- Madhubani

DEV NARAYAN PURBEY S/O PARMESHWAR PURBEY R/O VILL
SHIBAU, PS- BISFI (PATAUNA), DIST-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bisfi
(Patauna O.P.) P.S. Case No. 312/2023 corresponding in G.R. No.
1248/2023 registered for the offences punishable under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition Excise Amendment Act, 2018.

As per prosecution case, it is alleged that 75 litres
of illicit liquor was recovered from the roof and back side of the
house of the petitioner. It is further alleged that petitioner was
apprehended on spot and on interrogation he stated that he
and his wife Ram Sundari Devi used to sell and purchase liquor
for one year.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner bears one criminal antecedent of one case which is not similar to present case. The petitioner's house is a joint house and he has nothing to do with the alleged recovery and seizure list has not been made as per law. It is further submitted that nothing has been recovered from conscious possession of the petitioner. Petitioner is in custody since 15.08.2023 as mentioned in the impugned order. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Addl. Session Judge-II cum Special Judge, Excise Act, Madhubani in connection with Bisfi (Patauna O.P.) P.S. Case No. 312/2023 corresponding in G.R. No. 1248/2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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