

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1076 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- SARAIYA District- Muzaffarpur

PRAHLAD SINGH Son of Balmiki Singh R/V- Pokhraise, Gidha, P.S-
Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.10.2022 in connection with Saraiya P.S. Case No.33/2021,
F.I.R. dated 09.01.2021, for the offences punishable under
Sections 272, 273, 34 of the IPC & Section 30(a) and 36 of
Bihar Prohibition and Excise Act.

According to prosecution case, 4825.2 litres of foreign
liquor is said to have been recovered from the truck.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of confessional statement of co-accused, namely,



Pramod Rai. He further submits that it appears from the F.I.R as well as seizure list that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the truck in question and the petitioner is neither owner of the truck nor the driver of the truck in question. He further submits that the petitioner was not apprehended on the spot and except the confessional statement of co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carried 16 criminal antecedent other than the present one but fairly submits that out of sixteen cases, the petitioner is on bail in 13 cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Court No.II, Muzaffarpur in connection with



Saraiya P.S. Case No. 33/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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