

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11633 of 2024

Arising Out of PS. Case No.-59 Year-2021 Thana- PHULPARAS District- Madhubani

Prabhu Rai @ Prabhu Ray @ Prabhu Yadav Son of Chandeshwar Yadav @
Chandrashekhar Yadav R/O Mohalla- Kisanipatti, P.S.- Ghoghardiha, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Phulparas P.S. Case No. 59 of 2021 (G.R. No. 163 of

2021) instituted for the offences under Section 30(a) of the

Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered

altogether 1187.625 liter illegal foreign liquor from the field

of Shanbhu Yadav @ Bhulla Yadav.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner was not present at the place of occurrence when the recovery was made. The name of the petitioner has transpired during investigation. The petitioner has four criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 16.12.2023.

5. Learned counsel for the petitioner again submits that the co-accused namely Ram Kumar Yadav @ Ram Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.10.2021 passed in Cr. Misc. No. 38712 of 2021.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released



on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulparas P.S. Case No. 59 of 2021 (G.R. No. 163 of 2021).

(Rudra Prakash Mishra, J)

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