

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14752 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Shambhu Prasad S/o- Late Bhikhari Sah Village- Malahi Bazar Ps- Malahi
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 28-02-2024 The matter has been listed today under the

heading "To be Mentioned" at the instance of the petitioner.

2. Heard learned counsel for the petitioner and

learned APP for the State.

3. The petitioner seeks bail in connection with

Govindganj (Malahi) P.S. Case No. 716 of 2023 instituted

for the offences under Section 30(a) of the Bihar Prohibition

and Excise (Amendment) Act.

4. As per prosecution case, the police has recovered

10 liters of country made liquor from the shop of the

accused/petitioner.

5. 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 has three criminal antecedents of similar nature of offence as has been stated in paragraph no.3 of the present bail application but, in all, he is on bail. 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 30.12.2023.

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 as also having considered the quantity of the liquor recovered, 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 Govindganj (Malahi) P.S. Case No. 716 of 2023, subject to the conditions;



(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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