

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19787 of 2024**

Arising Out of PS. Case No.-51 Year-2023 Thana- KISHANPUR District- Supaul

Prabhu Rai @ Prabhu Yadav @ Prabhu Kumar Yadav S/o Chandeshwar  
Yadav R/o Vill - Kisanipatti, P.S. - Ghoghardiha, Dist. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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

ORAL ORDER

2      15-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial Excise No. 278 of 2023, arising out of Kishanpur P.S. Case No. 51 of 2023, instituted for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code, Sections 30(a), 36, 32 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1642.5 liters liquor was recovered from truck.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious



possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is neither owner nor driver of the truck and name of the petitioner has transpired on the basis of confessional statement of co-accused Baljit Singh who is driver of the seized vehicle. The petitioner has been remanded in this case on 20.01.2024 and has got eight criminal antecedents in which the petitioner is on bail in four cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial Excise No. 278 of 2023, arising out of Kishanpur P.S. Case No. 51 of 2023, subject to the following 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)**

Rajorshi/-

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