

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23932 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- KURSAILA District- Katihar

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Prahlad Sah @Pralad Sah SON OF LATE RAGHUNATH SAH, RESIDENT
OF VILLAGE- KURSELA BASTI, WARD NO. 04, PS- KURSELA, DIST-
KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mrs. Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kursela P.S. Case No. 174/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, it is alleged that from the
ditch of the joint house of the petitioner, 108.665 liters foreign
wine of different companies was recovered. It is further alleged
that co-accused Murari Kumar disclosed the name of petitioner
who fled away from the place of occurrence.

4. 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. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 18.02.2024 and bears no criminal antecedent. The said recovery was made from joint house of the petitioner and other which does not fall in the share of present petitioner. The place of recovery is a ditch, which is an open place and accessible to all. Learned counsel for the petitioner orally submits that charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Murari Kumar who is apprehended on the spot, has already been granted bail by this Court vide Cr. Misc. No.75406/2023 and the case of present petitioner stands on better footing as he is not apprehended on the spot.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail and keeping in view clean antecedent of petitioner, 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 bonds of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge cum Exclusive Special Excise Court No.-II, Katihar in connection with Kursela P.S. Case No. 174/2023, subject to 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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