

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2899 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- DARIHAT District- Rohtas

SUBHASH SINGH @ BHULAN SINGH Son of Darbari Singh r/o vill -
Chainpur, P.S. - Darihat, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Darihat P.S. Case No. 164 of 2023 lodged under Sections 30(a)
of Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, the total recovery of 10
liter mahua wine has alleged to be made, which is subject matter
of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that petitioner is in custody since 08.09.2023
and there is three criminal case pending against him which he
has narrated in the supplementary affidavit and in all the cases,
he is on bail.



5. Learned counsel for the State opposes the prayer for bail and submits that though quantity is less, but antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.1 Rohtas at Sasaram, in connection with Darihat P.S. Case No. 164 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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