

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84021 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- DANAPUR RAIL P.S. District- Patna

Prince Kumar Son of Dhananjay Sharma Resident of Village - Dumari Road,
Near G.J. College, Bihta P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Danapur Rail P.S. Case No. 190/2023 registered for the offences
punishable under Sections 147, 149, 332, 333, 338, 353, 427 of
the Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, when the informant along
with other police officials were standing near HPCL Deepo near
Bihta Railway Station, Train No. 05216 arrived there and
stopped due to chain pulling. From the train, petitioner and two
co-accused persons along with bags got down who were chased
by the police and petitioner was apprehended on spot. However,
the other two co-accused persons succeeded in fleeing away



from place of occurrence leaving behind their bags. It is further alleged that when the bags were searched, 24.5 litre foreign liquor was recovered. Upon interrogation, the petitioner disclosed the name of co-accused persons as Raju and Subham@Shivam.

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. It is further submitted that petitioner was apprehended on spot on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 12.08.2023. Seizure list has not been made as per law. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, in connection with Danapur Rail P.S. Case No. 190/2023 , subject to the 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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