

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2230 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- SAHPUR District- Bhojpur

Hazari Singh @ Hajari Singh Son of Late Vishwanath Singh R/o vill - Sarna,
P.s. - Sahpur, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Adv

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sahpur P.S. Case No. 491 of 2023 registered on 25.10.2023
lodged under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution case, F.I.R. has been lodged
against sole accused person and there is recovery of total 190
Litre of country made liquor.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that the
alleged recovery is made from the paddy house of the petitioner
which is at the open place and in the public domain. Counsel
submits that the said recovery has not been made from the



petitioner's possession. He submits that antecedent of the petitioner is clean and he is in custody since 25.10.2023 and is aged about 52 years.

5. Learned counsel for the State opposes the prayer for bail and submits that though recovery has not been made from the petitioner's possession but it is admitted that recovery has been made from the paddy which belong to the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Excise Court No. II, Bhojpur at Ara in connection with Sahpur P.S. Case No. 491 of 2023 , subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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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