

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.603 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- BHAIKAVSHTHAN District-
Madhubani

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Braj Mohan Prasad Son of Hari Mohan Prasad Residen of Village-
Sisbawarhi, Police Station- Phulparas, District- Madhubani, Bihar

... .. Petitioner/s

Versus

The State Of Bihar Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Bharti
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 645 of 2023 arising out of Bhairav Asthan P.S. Case No.
121 of 2023 registered for the offences punishable under
Sections 30(a) Bihar Prohibition and Excise At, 2016 of the
Indian Penal Code.

As per prosecution case, 225 litre country made
liquor was recovered from Santro Car in question and petitioner
apprehended on spot as driver of the said vehicle.

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 is not the owner of the vehicle in question and he has not knowledge about the illicit liquor kept in the said vehicle. Petitioner, being a driver, has to follow the instructions of owner to earn his livelihood. Seizure list has not been made as per law. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody sine 03.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases.

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, 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 Judge Excise Act, Jhanjharpur, Madhubani in connection with G.R. No. 645 of 2023 arising out of Bhairav Asthan P.S. Case No. 121 of 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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