

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2059 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

Prakash Rishi, son of Late Anandi Rishi Village- roshka Koska Garh Ps-
K.Nagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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
K. Nagar P.S. Case No. 500 of 2023, lodged on 28.08.2023
under Sections 30(a)/37(1) of the Bihar Prohibition and Excise
Act, 2022.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons including the present
petitioner. Total 12 litres of country made liquor has been
recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that only 10 litres of country made liquor has been



recovered from the petitioner's house. Counsel further submits that the petitioner is a poor villager and his name has been figured in this case only due to the reason that his criminal antecedent is not clean and there are three criminal cases pending against the petitioner in which he is on bail.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 29.08.2023. Counsel further submits that charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and at the time of consideration of bail application of the petitioner, this aspect may be taken into consideration.

7. 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** on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnia in connection with K. Nagar P.S. Case No. 500 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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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