

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2905 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- HATHUA District- Gopalganj

Prabhu Singh @ Prabhu Kumar Singh Son of Surendra Singh @ Surendra
Bhagat R/o vill - Hathua Bujurg, P.S. - Hathua, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar, 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
Hathua P.S. Case No. 85 of 2023 lodged under Sections 30(a) of
Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the F.I.R. has been
lodged against the three named accused persons including the
petitioner against whom there is recovery of 116.40 liter
country-made liquor 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. He further
submits that the name of the petitioner has been disclosed by the
apprehended persons. Counsel submits that recovery has not



been made from the possession of the petitioner.

5. Counsel further submits that petitioner has surrender himself on 14.12.2023. Counsel also submits that the person from whose possession recovery made, has been granted bail by the Co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 32116/2023.

6. Learned counsel for the State opposes the prayer for bail.

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, 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 Addl. District and Sessions Judge-II -cum- Special Excise Court No.1 Gopalganj, in connection with Hathua P.S. Case No. 85 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.)

Prakashmani/-

U		T	
---	--	---	--

