

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36231 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- FESHAR District- Aurangabad

Dudheshwar Singh Son of Late Sudhan Singh Resident of Village - Pokhraha,
P.S.- Phesar, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Phesar P.S. Case No. 42 of 2025 registered for the offences punishable under Section 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 20 litres of illicit country-made mahua liquor was recovered behind the house of the petitioner.

4 Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and the house, in question, is a joint property. It is next submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner rather the



recovery has been made behind the house of the petitioner which is an open place and easily accessible to anyone. It is lastly submitted that the petitioner has five criminal antecedents and is in custody since 24.04.2025. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the recovery has been made behind the petitioner's house and he carries five criminal antecedent of similar nature of offence.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioner and taking into account the fact that the recovery has been made from an open place which is easily accessible to anyone and also considering the period of custody, let the petitioner above-named, be enlarged on bail, on depositing a sum of Rs. 5,000/- (Five Thousand) before the Patna High Court Legal Services Committee and a receipt of the same shall be furnished before the learned Court below at the time of furnishing bail bond. Thereafter, he shall furnish bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad, in



connection with Phesar P.S. Case No. 42 of 2025, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the application stands allowed.

(Sourendra Pandey, J)

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