

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9302 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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MANISH KUMAR, aged about 26 years (Male), son of late Haridev Prasad Yadav, resident of Village – Burhanath, Police Station – Kotwali, District - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Md Irshad, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 13-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Md Irshad, learned counsel for the petitioner as well as Ms Meena Singh, learned APP for the State.

Petitioner seeks bail in Excise Complaint Case No 138 of 2019 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.



Less than one liter banned liquor is alleged to have been recovered from the vehicle in which the petitioner was travelling. It is the submission of the petitioner's counsel that the liquor has been recovered from his co-passengers in the vehicle and he has no concern with the same. The petitioner, on account of recovery of such quantity of liquor, is in custody since 23.11.2019. He is already on bail in Kotwali Police Station Case No 494 of 2019 and Barari Police Station Case No 215 of 2019, both registered under Section 30 (a) of Bihar Prohibition and Excise Act.

The learned APP for the State opposed the prayer for bail submitting that the vehicle in question belongs to the petitioner and, as such, he is fully responsible for the recovery.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in Excise Complaint Case No 138 of 2019 subject to the following conditions -

- (1) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Additional Sessions Judge II, Banka and the competent authority of the State in terms of Clause 13 of Notice



II published in the cause list uploaded on the Website of this
Court.

(Madhuresh Prasad, J)

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