

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19646 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- KHAGARIA District- Khagaria

Shiv Sagar Kumar, Son of Late Ram Lakhan Tanti, Resident of Mathurapur,
Ward No.5, P.S.- Khagaria, District- Kagaria- 851204

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyabir Bharti, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Khagaria P.S. Case No.165 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The recovery of 58.68 litres country-made liquor has



been made from near a well where the petitioner was sitting.

It is submitted that even as per the allegation, the recovery is from a place having general public access. There is no compliance of the mandatory procedure prescribed under Section 100 Cr.P.C. The petitioner has no criminal antecedents and he is in custody since 01.03.2020.

Learned APP for the State has opposed the prayer for bail.

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

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Khagaria, in connection with Khagaria P.S. Case No.165 of 2020, subject to the following conditions:

- (i) 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 bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) 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.

(Madhuresh Prasad, J)

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