

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20386 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Shyam Kumar @ Vijay Singh, aged about 42 years, Son of Sona Singh @
Sona Prasad Singh Resident of Village - Sikharichak, P.S. - Mokama, District
- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anshuman, Adv.
For the State	:	Mr. Rampriya Saran Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 29-06-2020 Heard learned counsel Sri. Anshuman, appearing for petitioner as well as learned Public Prosecutor Incharge Sri. Rampriya Saran Singh, appearing for the State through video conferencing.

Petitioner is in jail custody since 26.02.2020.

Petitioner seeks bail in connection with Suraj Garha P.S. Case No. 37 of 2020 registered for the offences punishable under Section 30(a)/41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Petitioner and eight persons were caught from Line Hotel and huge recovery of Indian made foreign liquor was made from a truck and other vehicles which had been parked in front of the aforesaid Line Hotel.

Learned counsel appearing for petitioner submits that nothing has been recovered from conscious possession of the petitioner and as a matter of fact, petitioner had gone to take *vidai* of his daughter and while he was eating at Line



Hotel, he was arrested by Police without any rhyme and reason.

Learned Public Prosecutor Incharge submits that in huge quantity Indian made foreign liquor was recovered and therefore, involvement of the petitioner cannot be ruled out.

The office has pointed out that this petition suffers from several defects. However, learned counsel of the petitioner submits that he has already removed some of the defects.

Considering the facts and circumstances of the case as well as submissions of the parties particularly taking note of this fact that nothing has been recovered from conscious possession of the petitioner and the petitioner is not the owner of the vehicles seized in the present case, let petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise), Lakhisarai in connection with Suraj Garha P.S. Case No. 37 of 2020 subject to condition that petitioner shall remove all the defects within six weeks from the date of physical functioning of the Court failing which the bail granted to the petitioner shall be deemed to be cancelled.

(Hemant Kumar Srivastava, J)

GAURAV S./-

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