

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21999 of 2020

Arising Out of PS. Case No.-128 Year-2020 Thana- PAKRIDAYAL District- East Champaran

BHARAT KUMAR Son of Chattu Prasad R/o Village- Siraha, P.S.-
Pakaridayal, District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-07-2020

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 Counsel for the State.

Petitioner seeks bail in Pakaridayal PS Case No. 128 of 2020 registered under Section 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

The prosecution case is that after surrounding petitioner's house, 183.840 litres Indian made foreign liquor has been recovered. The petitioner was apprehended while fleeing away from the house.

Learned Counsel for the petitioner submits that even as per prosecution case allegation the petitioner has not been apprehended inside the house, from where the recovery has been made. The recovery is also from the Hay shed which has general public access. The petitioner has falsely been implicated in this case, he is in custody since 9.6.2020 and that he has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.



Let the petitioner above named 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 Special Judge, Excise Act, East Champaran, Motihari in Pakaridayal PS Case No. 128 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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