

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23519 of 2020**

Arising Out of PS. Case No.-245 Year-2020 Thana- NAUBATPUR District- Patna

AWADHES KUMAR S/o Pradip Saw Resident of Panchkeshar, P.S.- Karpi,
Distt- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr Nityanand, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 18-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

The petitioner seeks bail in Naubatpur Police Station (for brevity, PS) Case No 245 of 2020, Special Case No 3509 of 2019 instituted for the offence punishable under Sections 30 (a), 38, 41 of Excise and Prohibition Act.



As per the prosecution case, 2108.885 liters of illegal wine has been recovered from the under construction Reverse Osmosis Water Plant (for brevity, *Plant*) of co-accused Puttu Kumar.

The petitioner's counsel submits that even as per first information report, trade in illicit liquor has been attributed to co-accused Puttu Kumar, Upendra Yadav, Ram Lila Ram and Raj Kumar Yadav. Petitioner was arrested because he was sleeping near the Plant. Merely, on suspicion and having no criminal antecedent, the petitioner is in custody since 24.05.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, 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 Special Judge, Excise, Patna in Special Case No 3509 of 2020 arising out of Naubatpur PS Case No 245 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

