

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24675 of 2020**

Arising Out of PS. Case No.-119 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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RAJA BABU KUSHWAHA Son of Awadhesh Bhagat Resident of Village-
Bhopatpur Ward No. 8, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Rashmi Jha, Advocate
For the Opposite Party/s : Ms Rina Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-09-2020

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 Complaint Case No C-2/42 of 2020 dated 14.01.2020 instituted for the offence punishable under Section 30 (a) of Excise and Prohibition Act.

As per allegation, the police have recovered 110.400



liters of Indian Made Foreign Liquor, from the vehicle being driven by the petitioner.

Petitioner's counsel submits that the entire prosecution case is false. Petitioner is victim of the circumstances. He has no concern with the liquor in question. It is submitted that on basis of such allegation, petitioner is in custody since 14.06.2020 though he bears a clean antecedent.

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 Additional Sessions Judge II, Gopalganj in Excise Case No 119 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./-

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