

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29031 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- KHAGAUL District- Patna

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Sujit Kumar, Son of Sidheshwar Prasad, Resident of Navratanpur, Police
Station - Khagaul, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-11-2020 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.

Mr. Ram Priya Saran Singh, learned APP is appearing
for the State as it is submitted that the brief has been allotted to
him by the office of Advocate General.

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

The petitioner seeks bail in connection with Special
Case No.489 of 2020, arising out of Khagaul P.S. Case



No.17/20, registered for the offence punishable under Section 30(a) of the Bihar Madhya Nishedh and Excise Amendment Act, 2018.

Having no criminal antecedents, it is submitted that the petitioner is in custody for alleged recovery of 139 litres illicit country-made liquor from a thatched hut behind the petitioner's house. It is submitted that the petitioner is a man of clean antecedents. It is a case of false implication and even as per the prosecution case, recovery of illicit liquor is neither from his possession nor from the house of the petitioner. He is languishing in jail since 07.06.2020.

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

Considering the rival submissions, this Court is inclined to allow the 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 Act, Patna, in connection with Special Case No.489 of 2020, arising out of Khagaul P.S. Case No.17/20, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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