

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29032 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

SATYENDRA KUMAR Son of Dukhan Mahto Resident of Village- Pipari,
P.S.- Derni, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-12-2020 . 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.

Mr. Ram Priya Sharan Singh, 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 Counsel for the State.

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

Petitioner seeks bail in Excise Case No. 191 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.



The prayer for bail is in a case of alleged recovery of 8800 Liters of spirit being recovered from the drums in a truck driven by the petitioner along with co-driver (co-accused Sunil Kumar Yadav).

Learned Counsel for the petitioner submits that being driver his duty was limited to driving the vehicle. He had not loaded the alleged material on the truck nor he had knowledge of the same. He claims to be man of clean past. Co-accused (co-driver) Sunil Kumar Yadav has been allowed bail in Cr. Misc. No. 28846 of 2020 and the petitioner has been now in custody since 21.3.2020.

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 7th Additional Sessions Judge -cum- Special Judge, Excise, Motihari, East Champaran in Excise Case No. 191 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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