

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30420 of 2020**

Arising Out of PS. Case No.-193 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAJU KUMAR S/o Surendra Mahto Resident of Village-Gangapur, Ward
no.6, P.S.-Musrigharari, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Manoj Kumar, Advocate

For the Opposite Party/s : Mr Anand Mohan Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-11-2020 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.

Mr Anand Mohan Prasad, APP is appearing as it is
submitted that the brief has been allotted to him by the Office of
Advocate General.

The petitioner seeks bail in Excise Case No 193 of
2020 dated 06.08.2020 in Computer Registration No 191 of



2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

First Information Report alleges recovery of 109.500 liters of contraband substances under the Bihar Prohibition and Excise Act. Petitioner is in custody since 06.08.2020.

It is submitted that the petitioner bears a clean past and even as per prosecution case, recovery is from behind his house. The place of recovery is accessible to public at large for which the petitioner cannot be held liable.

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 -cum- Special Judge, Excise Act, Samastipur in Excise Case No 193 of 2020 in Computer Registration 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.

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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