

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30369 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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Nitesh Kumar Barnwal, Son of Tribhuwal Barnwal, Resident of Sakin-
Hanuman Nagar, Jasidih, P.S.- Jasidih, District- Devghar, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-11-2020 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. Kumar Uday Pratap, 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 Official



Complaint Case No.136C of 2020 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

291 litres illicit liquor is said to have been recovered from a green coloured Piaggio auto without registration number. The petitioner is the alleged Driver.

Petitioner's counsel submits that the petitioner was not a Driver. In fact, he was a *bona fide* passenger. There is no compliance with the mandatory procedure under Section 100 Cr.P.C. nor is there any forensic opinion certifying that the recovered substance is actually intoxicant. He is in custody since 26.06.2020 and has no criminal antecedents.

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 Additional District & Sessions Judge-II, Jamui, in connection with Complaint Case No.136C 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.

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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