

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30384 of 2020

Arising Out of PS. Case No.-121 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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ROCKY KUMAR Son of Sanjeev Jha @ Sanjeev Kumar Jha Resident of
Village - Rasidpur, Police Station - bachhwara, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Roy, 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.

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 Sumiran Roy, 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 Complaint Case No. 121C2 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.



Petitioner's Counsel submits that 32.400 Liters of illicit liquor has allegedly been recovered from the hut situated near the petitioner's house. Having no criminal antecedent the petitioner has become victim of circumstance. Even as per FIR recovery is from a hut near petitioner's house. He is in custody since 17.7.2020. There is no recovery either from petitioner's possession or his house.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Begusarai in Excise Complaint Case No. 121C2 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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