

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70669 of 2019

Arising Out of PS. Case No.-352 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Monu Kumar @ Monu (Male) aged about 24 years, Son of Ram Kumar
Resident of House no.336/11, Hanuman Colony, P.S.- Hansi, Distt.- Hisar,
State - Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-01-2020 This is 2nd attempt for grant of bail in Samastipur

Government Official Complaint Report Case/Excise Case No.

352 of 2018 for the offence under Section 30(a) of Bihar

Prohibition and Excise Act, 2016.

Earlier, the prayer for bail of petitioner was rejected
on 08-05-2019, vide Cr.Misc. No. 30570 of 2019, with
following observation:

“Petitioner may renew his prayer for bail
after four months in the event no substantive
progress is made in the trial.”

In this case, vide order dated 04-12-2019, a report
regarding stage of the trial was called for from the court below,
which has been received and kept at flag ‘A’. From perusal of



report dated 13th December, 2019 of learned A.D.J.II-cum-Special Judge Excise, Samastipur, it appears that only cognizance against all the three named accused has been taken and now the case is fixed for their appearance.

It is submitted on behalf of petitioner that petitioner is languishing in jail since 06-12-2018 and after rejection of earlier prayer for bail, seven months has already been elapsed and no adequate progress has taken place in the trial. It is further submitted that in the meanwhile, one co-accused namely Ajay Kumar has also been granted bail by this Court, vide order dated 12-09-2019 passed in Cr.Misc. No. 57265 of 2019.

In this case, petitioner is said to be driver of the truck, from which, 2592 litres of foreign liquor was recovered.

Considering the aforesaid facts and circumstances as well as nature of accusation and period of custody, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 3rd cum Special Judge, Excise, Samastipur in connection with Government Official Complaint Report Case/Excise Case No. 352 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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