

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 78466 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- EKCHARI District- Bhagalpur

SHANKARI KUMAR Son of Kanhay Mandal Resident of Village- Rani
Diyara, P.S.- Ekchari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das
For the Opposite Party/s : Ms. Sharda Kumari

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 13-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Ekchari Police Station (for brevity, *PS*) Case No 22 of 2019 instituted for the offence punishable under Section (s) 30 (a) of Bihar Prohibition and Excise Act, 2016 and Sections 272/273 of Indian Penal Code.

On seeing the informant (Assistant Sub Inspector of Police), petitioner started fleeing away. When he was apprehended and search was made, from his in-laws' house, it is alleged that 20 liters of *Mahua* wine was recovered. Accordingly, the petitioner has been implicated in this case and is in custody since 31.08.2019. It is submitted by petitioner's counsel that even as per the seizure list, recovery is not from the petitioner's possession. Recovery is also not in accordance with



law and it is submitted that it is a case of false implication.
Petitioner is also said to be a man of clean antecedent.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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, Bhagalpur in connection with Ekchari PS Case No 22 of 2019 dated 01.09.2019 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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