

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 83491 of 2019**

Arising Out of PS. Case No.-292 Year-2019 Thana- MANJHAGARH District- Gopalganj

RAMESH PATHAK Son of Viswanath Pathak @ Biswanath Pathak Resident
of Village- Sri Rampur, Ward No. -3, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sanjana

For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-01-2020** Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Manjhagarh Police Station
(for brevity, PS) Case No 292 of 2019 dated 05.11.2019
instituted for the offence punishable under Section (s) 30 (a) of
Bihar Excise and Prohibition Act, 2016.

17.28 liters of Indian made foreign liquor is said to have
been recovered from the hutment outside the house of the
petitioner. Petitioner, upon such allegation, is in custody since
06.11.2019. It is submitted that the petitioner has no criminal
antecedent and that recovery is from a place having general
public access for which the petitioner cannot be held
responsible. Recovery is also said to be in violation of the



provisions prescribed under Section 100 of Criminal Procedure Code.

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 Act, Gopalganj in connection with Manjhagarh PS Case No 292 of 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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