

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13081 of 2021

Arising Out of PS. Case No.-649 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Sharvan Das, Son of Bhujangi Das, Resident of Village - Darpa, Damodarpur,
P.S.- Rajaun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2021 The matter has been taken up 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.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Rajoun
P.S. Case No.162 of 2020 registered for the offence punishable
under Section 30(a) (d) of the Bihar Prohibition and Excise Act,
2016.

12.500 litres illicit country made liquor has allegedly



been recovered from the petitioner.

It is submitted by the petitioner's counsel that the petitioner is a labourer. Without any rhyme or reason, he has been implicated in this case and that the recovery is not from his possession. The recovery is contrary to the procedure prescribed under Section 100 Cr.P.C. Under such circumstances, the petitioner is in custody since 29.05.2020. Petitioner has two other cases pending against him as per the disclosure made in paragraph 3 of the petition.

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 Sessions Judge-II, Banka, in connection with Rajoun P.S. Case No.162 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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