

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13669 of 2021

Arising Out of PS. Case No.-678 Year-2020 Thana- PHULWARISHARIF District- Patna

Abhishek Kumar, aged about 32 years, (Male) son of Kamata Prasad,
Resident of Mohalla- Neura Colony Khagaul, Police Station- Khagaul,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ganesh Prasad Yadav, Advocate
For the State : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Phulwari Sharif PS Case No.
678 of 2020, Spl. Case No. 7206 of 2020, instituted for the
offence under Section 30(a) of the Bihar Prohibition and
(Amendment) Excise Act, 2018.



73.980 litres foreign liquor has been recovered from the vehicle being driven by the petitioner, as per allegation in the First Information Report.

The learned counsel for the petitioner submits that the petitioner was a driver professionally driving the vehicle without any knowledge regarding any liquor being kept in the vehicle. The two persons, who have fled away, as per allegation in the F.I.R., were having the knowledge of the contents. The petitioner is the victim of the circumstance. Recovery is not in accordance with law. The petitioner is in custody since 12.12.2020 though he has no criminal antecedents.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, 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 **Spl. Judge (Excise Act) Patna**, in connection with **Phulwari Sharif PS Case No. 678 of 2020, Spl. Case No. 7206 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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