

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14923 of 2021

Arising Out of PS. Case No.-620 Year-2020 Thana- DIGHA District- Patna

Manish Kumar, aged about 19 years, male, Son of Raj Kishore Thakur
Resident of village - Taiyabpur, P. S. Desri, District - Vaishali.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2021 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 Special Case No. 6922 of 2020, arising out of Digha P.S. Case No. 620 of 2020, instituted for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2016.



80.265 Ml foreign liquor has allegedly been recovered from the vehicle being driven by the petitioner.

It is submitted by the petitioner's counsel that having no criminal antecedent, he is in custody since 03.12.2020. It is a case of false implication. Recovery is not in accordance with law and he has merely been arrested on suspicion. There is no forensic opinion to determine whether the recovered substance was actually an intoxicant.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Special Case No. 6922 of 2020, arising out of Digha P.S. Case No. 620 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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