

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14734 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SHAHIL KUMAR Son of Late Raja Sharma Resident of Village- Barhi Toli
Pankhatoli, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Kazi Mohammadpur PS Case No. 95 of 2020 registered under Sections 30(a) and 41 of Bihar Prohibition and Excise Act, 2016 .

250.560 liters of illicit liquor has allegedly been recovered from a truck. It is alleged that certain persons were fleeing. They have been identified by local persons and as such petitioner's name has surfaced as an accused.

Learned Counsel for the petitioner submits that even as per prosecution case there is no recovery from the petitioner nor he has been arrested from the place of recovery. Implication is based on



alleged identification which factually and legally is unsustainable. The petitioner is in custody since 5.12.2020 and accused in one more case in Kazi Mohammadpur PS Case No. 81 of 2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Kazi Mohammadpur PS Case No. 95 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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