

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14864 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- DHANKUND District- Banka

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Suman Kumar, male, aged about 30 years Son of Ganesh Prasad Singh
Resident of Village - Kodarkatta, P.S.- Dhankund, Distt.- Banka (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-09-2021 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.

It is submitted by the petitioner's counsel that due to inadvertence, the details of Court, to the satisfaction of which, bail bond has to be furnished has wrongly been stated as "Chief Judicial Magistrate, Banka" in place of "Additional District and Sessions Judge-II, Banka".

The prayer portion to that effect may be read as to the



satisfaction of the “Additional District and Sessions Judge-II Banka” in place of “Chief Judicial Magistrate, Banka”.

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

The petitioner seeks bail in Dhankund PS Case No. 125 of 2020, instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

140.7 litres of illicit country made liquor has been recovered from the petitioner’s house as per allegation in the First Information Report (for brevity ‘FIR).

The learned counsel for the petitioner submits that the recovery is false and fabricated. His implication is based on extraneous considerations due to a dispute arising in the course of petitioner's business of sale of fertilizers. The aggrieved persons have stood witness to the seizure which is not in accordance with law and the seizure list witnesses are on inimical terms with the petitioner. He is in custody since 09.12.2020. As per supplementary affidavit, the petitioner has one more case pending against him since before.

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 Additional District and Sessions Judge-II Banka, in connection with Dhankund PS Case No. 125 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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