

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14807 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

ABHINIT KUMAR SON OF RAMA SHANKAR PD. YADAV R/o village-
Chitrauli, Ward No. 06, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Radha Mohan Singh, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Special Case No 4 of
2021 (CIS No 4 of 2021) arising out of Kochadhaman Police
Station (for brevity, *PS*) Case No 2 of 2021 instituted for the
offence punishable under Sections 30 (a), 35, 36 and 41 of Bihar
Prohibition and Excise Act, 2016.

Two vehicles have been stopped during vehicle
checking. From Alto K10 LXI, on which the petitioner and co-
accused Mantosh Singh were travelling, there is alleged



recovery of 43.02 liters of illicit liquor.

Petitioner's counsel submits that petitioner has no concern with the vehicle or the recovery. Recovery is not as per prescribed procedure and, thus, illegal. Petitioner is in custody since 02.01.2021. Co-accused Mantosh Singh has been allowed bail by this Court by order dated 24.05.2021 passed in Cr Misc No 23950 of 2021.

Learned APP 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -cum- Special Judge (Excise), Kishanganj in connection with Special Case No 4 of 2021 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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