

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18110 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- BARGAINIA District- Sitamarhi

RAMBHU KUMAR Son of Asharfi Mahto Resident of Village - Masaha
Narottam Punrvas, P.S.- Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-10-2021 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 Bairgania Police Station
(for brevity, *PS*) Case No 214 of 2020 instituted for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

136.5 liters of illicit Nepali Saufi wine has been
recovered from plastic bags which were being carried by five
persons who, on seeing the police, started fleeing away, after
abandoning the bag.

Learned counsel for the petitioner submits that
prosecution case that the petitioner has been apprehended after



chase is false, and based on mistaken identity. Petitioner has no concern with the recovered liquor. He has become victim of the circumstances. Having no criminal antecedent, he is in custody since 27.11.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, 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 II -cum- Special Judge (Excise), Sitamarhi in connection with Bairgania PS Case No 214 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.



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)

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