

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 21216 of 2021**

Arising Out of PS. Case No.-376 Year-2020 Thana- GOVERNMENT
OFFICIAL COMP. District- Gopalganj

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BIKASH KUMAR SINGH @ VIKASH KUMAR SINGH Son of Ajit Singh
Resident of Village - Barwa Dumari, P.S.- Jamo, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mr Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-06-2021 This case has been taken up today for consideration
through Video Conferencing.

Learned counsel for the petitioner has mentioned this matter for out of turn / priority list. The supplementary affidavit, which has been filed, has placed on record an invitation card in support of the averment that petitioner's marriage is likely to be solemnized in between 10.06.2020 – 12.06.2020. The matter has been taken up for consideration on priority basis in view of the said supplementary affidavit having been filed.

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

The petitioner seeks bail in Excise Case No 376 of



2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Petitioner's counsel has made submissions on the merits of the bail application. It is submitted that the police have recovered 279 liters of illicit liquor from the vehicle. The petitioner has no concern with the recovered substance as the same has not been recovered from his conscious possession and he bears no criminal antecedent. The alleged recovery is not in accordance with the procedure prescribed under Section 100 of Criminal Procedure Code. The petitioner is stated to be in custody since 29.12.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, subject to the verification of the factum of petitioner's marriage, as disclosed in the supplementary affidavit filed in these proceedings, by the Court concerned from the local Police Station, 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, Gopalganj in Gopalganj Excise Case No 376 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)

M.E.H./-

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