

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38417 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- BUXAR District- Buxar

PRINCE KUMAR @ GOLU S/O Manuseth @ Muna Prasad Gupta @ Manu Prasad Gupta Resident of Mohalla - Ward No. -16 Budhan Purwa, P.S. - Buxar (T), District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr Mukeshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 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 Buxar (T) Police Station (for brevity, PS) Case No 53 of 2021 instituted for the offence punishable under Sections 30 (a), 37 (2) of Bihar Prohibition and Excise (Amendment) Act, 2018.

On receiving information regarding selling of illicit liquor, the police party raided the house of one Guddu Kumar from where the petitioner, along with others, has been apprehended. There is alleged recovery of 16 bottles of illicit liquor (180 ml each) from petitioner's possession.

Learned counsel for the petitioner denies and disputes



the recovery. It is submitted that implication of the petitioner is based on extraneous consideration and because of his criminal antecedents. He is in custody since 23.01.2021.

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, Buxar in Buxar (T) PS Case No 53 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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