

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38396 of 2021**

Arising Out of PS. Case No.-255 Year-2020 Thana- UCHKAGAON District- Gopalganj

Rambabu Prasad, S/O Shivjee Prasad, R/O Village-Akri, P.S Barharia, District -Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 14-12-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Uchakagaon P.S. Case No.255 of 2020 registered for the offence punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of huge quantity of illicit liquor (6330.560 litres). The allegation is that the same was recovered from a truck and several persons have fled away.

Counsel for the petitioner submits that based on identification by local persons, including the *Chaukidar*, petitioner has been implicated in this case. Admittedly, he was not arrested from the place and at the time of recovery. Based on such identification, without any basis, and which has led to no



recovery of any incriminating article from the petitioner, he has been arrested and is in custody since 27.04.2021. He is stated to be having a clean past. It is further submitted that similarly situated co-accused Babalu Manjhi @ Bablu Manjhi has been allowed anticipatory bail in Cr.Misc. No.1235 of 2021, vide order dated 01.07.2021 and another co-accused Mantu Sahni has been allowed regular bail in Cr.Misc. No.38244 of 2020, vide order dated 05.02.2021.

Learned APP for 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 learned Additional District & Sessions Judge-2nd-cum-Special Judge, Excise, Gopalganj, in connection with Uchakagaon P.S. Case No.255 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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