

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37883 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- THAWE District- Gopalganj

Govind Kushwaha, aged about 30 years, male, S/O Anirudh Prasad @
Anirudh Kushwaha R/O Village-Tareya Lachhiram, P.S-Tareya Sujan,
District-Kushinagar (u.p.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for petitioner and learned counsel
for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Thawe PS Case No. 102 of
2021 instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

There is alleged recovery of 67.385 litres illicit liquor



from the petitioner.

It is stated that petitioner is in custody since 23.05.2021 and he has no criminal antecedents. Recovery is denied and disputed and false implication is pleaded by the petitioner's counsel. It is submitted that even the total quantity, which has been recovered, has not been mentioned in the seizure list, and otherwise also seizure is not in accordance with law.

The learned APP representing 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 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 the learned Additional District and Sessions Judge-II, Gopalganj, in connection with Thawe PS Case No.102 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.

(Madhuresh Prasad, J)

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