

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38377 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- MANER District- Patna

Abhishek @ Chhotu Kumar, S/o Jinnu Choudhary, Resident of Chhoti Badalpura, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, 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 Special Case No.2496 of 2021 arising out of Maner P.S. Case No.216 of 2021 registered for the offences punishable under Sections 30(a), 36, 41(i)(ii) of the Bihar Madhya Nishedh & Excise Amendment Act.

2131 litres of illicit liquor has been recovered from a truck and two other vehicles. It is alleged that the same was being unloaded by several persons when the police party reached. Petitioner is stated to have been apprehended along with co-accused Govinda. It is stated that these two persons were also fleeing away.

Counsel for the petitioner submits that even as per



the prosecution case, he was not recovered from the vehicle. It is only under suspicion that the petitioner, who, in fact, was a *bona fide* passerby has been arrested. The petitioner has no connection with the recovered liquor or the vehicles and he is in custody since 28.03.2020, having no criminal antecedents, as per the statement made in paragraph 3 of the bail petition.

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 the learned Special Judge, Excise Act, Patna, in connection with Special Case No.2496 of 2021 arising out of Maner P.S. Case No.216 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.

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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