

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39218 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

SUBEDAR BIND Son of Sukhram Bind Resident of Village - Sariyaw, P.S.-
Durgawati, District - Kaimur at Bhabua Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party : Mr. Sharda Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 30a and 37(i)(ii) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 9.445 liters of illicit liquor has been recovered from the Gumti/shop of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner is in custody since 17.2.2021. Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and



the quantity of recovery, 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 Additional Sessions Judge II cum Special Judge, Kaimur at Bhabua in Excise Case No. 168 of 2021/ Durgawati Police Station Case No. 35 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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