

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29048 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- SIMRI District- Darbhanga

Rohit Kumar Son of Lalu Mahto Resident of Village - Farsara Basti Dal Kola,
P.S.- Dalkola, District - Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the State : Mr. S.M. Rahman APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 11-01-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in G.O. Case No. 440 of 2020, arising out of Simri P. S. Case No 73 of 2020 instituted for the offence under Section(s) 30(a), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

Altogether 5634 litres of illicit liquor has allegedly been recovered from a truck, in which, the petitioner was apprehended as the *Khalasi* (cleaner).

It is submitted by the petitioner's counsel that the petitioner has no criminal antecedents. From the prosecution report, it is evident that the liquor was concealed within the potato and onion bag. The petitioner has no knowledge about the illicit liquor being concealed. He was rendering his services



as a cleaner during the journey and has become a victim of the circumstances. He is in custody since 14.04.2020.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 IInd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga, in connection with G.O. Case No. 440 of 2020, arising out of Simri P.S. case No 73 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.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

