

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36568 of 2020

Arising Out of PS. Case No.-444 Year-2020 Thana- MASAUDHI District- Patna

AKHILESH KUMAR S/o Lakhnan Prasad Resident of Mohalla- Bahadurpur
Gumti, Ward No.47, Rajendra Nagar, P.S.- Bahadurpur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

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

Petitioner seeks bail in Masaurhi PS Case No. 444 of 2020 Special Case No. 4502 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

150 Liters Mahua (intoxicant) liquor is alleged to have been recovered from the petitioner's car while he was on way.

It is submitted that it is a case of false implication. The car does not belong to the petitioner and there is no forensic opinion to even support the allegation that the recovered substance was actually intoxicant. The petitioner bears a clean past and he is in custody since 22.7.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.



Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Juidge, Excise, Patna in Masaurhi PS Case No. 444 of 2020 Special Case No. 4502 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)

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