

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36092 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- AMBA District- Aurangabad

Sushil Kumar @ Lavkush, Son of Late Surendra Yadav @ Late Surendra Singh, Resident of Village - Bell Imamganj, P.S. - Obra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Amba P.S. Case No.75/2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

From a white Scorpio, it is alleged that 472.5 litres country made liquor has been recovered. The petitioner is alleged to be arrested from the vehicle.

Counsel for the petitioner pleads false implication. The petitioner is neither the owner nor the Driver of the vehicle and that the recovered substance has not even been forensically examined to determine whether it is an intoxicant. Search and



seizure is alleged to be in contravention of the mandatory legal procedure. The petitioner is in custody since 08.09.2020 and is having no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Sessions Judge-VII-Cum-Special Judge (Excise), Aurangabad (Bihar), in connection with Amba P.S. Case No.75/2020, 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.

This Court would expect that the petitioner's counsel



would honour her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

