

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37288 of 2020

Arising Out of PS. Case No.-175 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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OFFICER KAPAR @ OFFICER YADAV S/o Late Nago Kapar Resident of
Village - Raghunathpur, P.S. - Sahebpur Kamal, District - Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2021 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 Sahebpur Kamal PS Case No. 175 of 2020 registered under Section 414 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

From the petitioner's house it is alleged that illicit liquor "chulai" wine has been recovered leading to the petitioner's implication in the instant case. Two motorcycles are also alleged to have been recovered from the place.

Learned Counsel for the petitioner submits that having no criminal antecedent the petitioner is an accused in this case and in custody now since 4.6.2020. Recovery is from the joint family property, for which criminal liability cannot be cast upon the petitioner. The two motorcycles which have allegedly been seized stand in the name of his brother.



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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Begusarai in Sahebpur Kamal PS Case No. 175 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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