

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36559 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

Prasant Suman @ Golu S/o Rajeev Kumar @ Nunu Singh Resident of
Village- Manjhaul (in front of Referral Hospital), P.S.- Cheria Bariarpur Distt-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.
For the State : Mr.Gulnar Begum APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The petitioner seeks bail in Cheriabariyarpur P S Case No
2 of 2020 instituted for the offence under Sections 272, 273 and
120B of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

3887.64 liters of foreign liquor is alleged to have been
recovered from a truck. The local persons have stated about the
petitioner's being a member of the group which deals in such
illicit liquor.

Learned counsel for the petitioner submits that on such
basis he has been implicated and he is in custody now since
19.09.2020 though there is no recovery from the petitioner nor



has he been arrested from even near a truck. After his implication in this case that he has been remanded in three other cases, details of which have been given in para 3 of the bail application. The recovery is without complying the Section 100 Cr. PC and there is no forensic opinion to support the allegation that the recovered substance is intoxicant. The driver of the vehicle has already been allowed bail in Cr. Misc No 15978 of 2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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-II-Cum-Special Judge Excise Act, Begusarai, in connection with Cheriabariyarpur P S Case No 2 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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