

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2235 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- TARARI District- Bhojpur

Papu Kumar @ Papu Singh, aged about 32 years, Male, son of Sri Kesho Singh, Resident of Village-Mahadeopur, Police Station-Tarari, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp.Party

Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-05-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the petitioner and learned counsel for the State

The petitioner seeks bail in Tarari P.S. Case No. 81 of 2020, corresponding to Excise Case No.701 of 2020, instituted for the offence under Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner is expected to honour 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 to do so by the office.

The prosecution case is that from the road side 50 litres country made liquor has been recovered.

The allegation is that the same was thrown away and abandoned by the two persons who were going on a motorcycle. The petitioner has been implicated on the basis of identification



made by local '*Chowkidar*'. It is submitted that having no criminal antecedents, the petitioner is in custody since 11.09.2020. Even as per the prosecution case, it is apparent that no recovery has been made from the possession of the petitioner. The petitioner's implication is based on extraneous consideration.

The learned APP representing 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 4th Additional District and Sessions Judge-cum-Special Judge Excise, Bhojpur Ara, in connection with Tarari P.S. Case No. 81 of 2020, corresponding to Excise Case No.701 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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