

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39535 of 2020

Arising Out of PS. Case No.-345 Year-2020 Thana- MANER District- Patna

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Suman Kumar, S/o Vinod Rai, R/o Village-Chhitnawa, P.S.- Maner, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 It is stated by the petitioner's counsel that a supplementary affidavit has been filed today itself, wherein in paragraph 2 it has been stated that the petitioner is in custody since 28.08.2020.

Let the office place the said supplementary affidavit on the records of this case.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Maner P.S. Case No.345 of 2020 (Special Case No.4287 of 2020) registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

There is an alleged recovery of 1062.30 litres of foreign liquor from an open field near an embankment. Some



persons, who have been identified and named in the FIR, were fleeing away from the place of occurrence. The petitioner's name has surfaced on the statement of the *Chaukidar* as being who indulges in illicit trade of liquor.

It is submitted that the *Chaukidar* has named the petitioner merely on suspicion and for the fact that he was earlier made an accused in Maner P.S. Case No.430 of 2019. The recovery is not from his possession nor was he present at the time of recovery.

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 Special Judge, Excise, Patna, in connection with Maner P.S. Case No.345 of 2020 (Special Case No.4287 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.

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

(Madhuresh Prasad, J)

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