

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4539 of 2021**

Arising Out of PS. Case No.-296 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SANJEEV KUMAR S/o Ram Babu Mahto R/o Village- Vishanpur Ward No.
04, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar, Advocate
For the Opposite Party/s : Ms Gulnar Begum, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-06-2021 This case has been taken up today for consideration
through Video Conferencing.

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

The petitioner seeks bail in Case No C2-296 of 2020
instituted for the offence punishable under Sections 30 (a) of
Bihar Prohibition and Excise Act, 2016.

180 liters of Nepali wine is alleged to have been
recovered from the petitioner's vehicle while he was travelling
in the Into-Nepal border.

Learned counsel for the petitioner submits that due to
heated exchange with the Jawans, the petitioner has been
implicated in this case falsely. He has no criminal antecedent



and is in custody since 18.08.2020, though there is no forensic determination in respect of the substance recovered whether it is intoxicant or not.

Learned APP has opposed the prayer for bail. She has submitted that the recovery has been made from the petitioner's vehicle.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Sitamarhi in Case No C2-296 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.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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