

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.445 of 2021

Arising Out of PS. Case No.-391 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

BIRMANI KUMAR @ RAHUL S/o Arun Kumar R/o Mohalla- Uttari
Nalanda Colony, P.S.- Laheri, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binit Kumar, Advocate

For the Opposite Party/s : Ms. Meena Singh.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2021 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 Laheri PS Case No. 391 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Loading and unloading of illicit liquor is Alleged from the Maruti van. The Police have recovered 42 liters liquor and two persons have allegedly started fleeing away. The petitioner has been identified by the local people as being one of the person who fled away.

Learned Counsel for the petitioner submits that other than suspicion and unreliable identification, there is nothing on record to suggest petitioner's involvement in the instant case. Implication is merely on the basis of petitioner's antecedent and he continues to be in custody in this case since 29.2.2020.



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 IIIrd. Additional Sessions Judge -cum- Special Judge, Excise, Nalanda in Laheri PS Case No. 391 of 2019 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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