

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39619 of 2020

Arising Out of PS. Case No.-319 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

NETISH KUMAR Son of Suresh Mahto Resident of Village - Hanuman
Nagar Choura, P.S.- Sadar (Varohi O.P.), District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-02-2021 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 Jagdishpur PS Case No. 319 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The petitioner is in custody since 13.9.2020.

There is allegation that 576 liters of foreign liquor has been recovered from the pickup vehicle which the petitioner was driving.

Learned Counsel for the petitioner submits that it is a case of false implication. The petitioner bears a clean past. Recovery is not in accordance with Section 100 Cr.P.C. and that the prosecution case regarding recovered liquor being intoxicant is not supported by any forensic material.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Bhagalpur in Jagdishpur PS Case No. 319 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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