

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39456 of 2020

Arising Out of PS. Case No.-408 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

ABHIMANYU KUMAR Son of Arjun Rai Resident of Village - Akilabad,
P.S.- Hajipur Sadar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Kumar, Advocate

For the Opposite Party/s : Mr Shyameshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 **19-02-2021** Supplementary affidavit has been filed wherein the petitioner has placed on record his criminal antecedents. Details of the three pending cases have been stated as Hajipur Sadar Police Station (for brevity, *PS*) Case No 7 of 2020, Hajipur Sadar PS Case No 147 of 2020 and Hajipur Sadar PS Case No 172 of 2020. In Hajipur Sadar PS Case No 7 of 2020, he is stated to be on bail.

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

The petitioner seeks bail in Hajipur Sadar PS Case No 408 of 2020 dated 17.07.2020 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.



Since 13.08.2020, the petitioner is in custody in connection with this case. Allegation is of recovery of 105 liters of country made liquor from his dairy farm.

Petitioner's counsel submits that the recovery was not in his presence. It is a case of false implication. Recovery is in violation of Section 100 of Criminal Procedure Code and there is no forensic material to support the allegation regarding the recovered substance being intoxicant.

Learned APP has opposed the prayer for bail.

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, Vaishali at Hajipur in Hajipur Sadar PS Case No 408 of 2020 dated 17.07.2020 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./-

U		T	
---	--	---	--

