

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39610 of 2020

Arising Out of PS. Case No.-486 Year-2020 Thana- DANAPUR District- Patna

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UMASHANKAR KUMAR Son of Late Lachhu Yadav Resident of Village -
New Mainpura, Pragati Nagar, P.S.- Danapur, District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Asha Devi, APP

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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 Special Case No. 4981 of 2020 arising out of Danapur PS Case No. 486 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Since 26.8.2020 the petitioner is in custody.

As per prosecution case there is recovery of total 723.96 liters of illicit liquor, out of which from the petitioner's shop there is alleged recovery of 214.71 liters.

Learned counsel for the petitioner submits that it is a case of false implication. Petitioner bears a clean past and there is no compliance with the mandatory procedure for seizure prescribed under the Cr.P.C. There is no material to support the allegation of recovered material being intoxicant.

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 Special Judge, Excise, Patna in Special Case No. 4981 of 2020 arising out of Danapur PS Case No. 486 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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