

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39512 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- KHARIK District- Bhagalpur

ANKUSH KUMAR Son of Vipin Kumar Mishra @ Vipin Mishra Resident of
Village - Tulsipur, P.S. Kharik, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr Santosh Kumar, Advocate

For the Opposite Party/s : Mr Ajay Kr No 2, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kharik Police Station (for
brevity, *PS*) Case No 164 of 2020 instituted for the offence
punishable under Sections 30 (a), 38 (1) of Bihar Prohibition
and Excise Act, 2016 and Sections 25 (1-b)a/26/35 of Arms Act.

Prosecution alleges that one country made loaded
Katta and cartridge have been recovered from the petitioner's
possession and on his disclosure, 3 liters of foreign liquor has
been recovered from a bush.

Learned counsel for the petitioner submits that it is a
case of false implication. The allegations, under the Bihar
Prohibition and Excise Act, are super addition to the prosecution
case to make it more offensive. The petitioner has no criminal
antecedent and is in custody since 20.08.2020.

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, Bhagalpur in Kharik PS Case No 164 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)

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