

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.435 of 2021

Arising Out of PS. Case No.-35 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

1. DURGA KUMAR Son of Late Dewan Yadav Resident of Village - Moti
Bigha, P.S.- Nagar, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 01-03-2021 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 G.O. Case No. 35 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

32.625 liters of foreign wine and 3.6 liters of country made liquor has been recovered from the front part of the house of the petitioner, which allegedly has been converted into liquor distribution center.

Learned Counsel for the petitioner submits that it is a case of false implication. There is no recovery from his conscious possession even as per prosecution case. The petitioner is in custody since 25.9.2020 and that recovery is not in accordance with law. The petitioner has one criminal antecedent in G.O. Case No. 116 of 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Nawada in G.O. Case No. 35 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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