

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.532 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- JADOPUR District- Gopalganj

Malik Singh Son of Ramchandra Singh Resident of Village - Bhagwanpur,
P.S.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.
For the State : Mr.Satya Nand Shukla APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

The petitioner seeks bail in Yadopur P S Case No 39 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Five persons have allegedly fled away from the Malhori Ghat from where 178.74 liters illicit liquor has allegedly been recovered. The petitioner has been allegedly identified by the *Chowkidar*.

The petitioner's counsel has submitted that the petitioner has been implicated merely because there is an earlier case of similar nature in Yadopur PS Case No. 26 of 2020, in which, he is already on bail. The recovery is not in accordance with law and even as per allegation not from his possession. The



identification is also doubtful. He is in custody since 07.10.2020

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Yadopur PS Case No. 39 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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