

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.479 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- RAFIGANJ District- Aurangabad

Niranjan Kumar Son Of Jay Prakash Prasad Resident of Village - Baligaon,
P.S.- Rafiganj, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the State : Ms. Meena Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor 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.

The petitioner seeks bail in Rafiganj PS Case No 208 of 2020 instituted for the offence under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

Even as per prosecution case, from the under construction house of the petitioner's neighbour 210 liters of spirit has been recovered. It is alleged that the petitioner was indulging in manufacture of the illicit liquor.

It is submitted that even as per prosecution case, recovery is from an under construction house next to the petitioner's house having general public access. The petitioner, by no stretch of imagination, can be held criminally liable for the said recovery and there is no basis for his implication in the instant



case. He is in custody since 30.08.2020 and has no criminal antecedents.

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 -VII- cum- Special Judge, Excise Act, Aurangabad, in connection with Rafiganj PS Case No.208 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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