

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3605 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- PALIGANJ District- Patna

Vicky Saw @ Vicky Kumar male aged about 25 years, Son of late Udeswar Saw, Resident of village- Bherhariya English P.S. Paliganj and District- Patna .

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Uday Kumar Advocate

For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 06-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. 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 by the office

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Paliganj P.S. Case No.305 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 .

5. The prosecution case is that on receiving secret information the police has proceeded to verify the receipt of consignments of liquor by three persons, namely, Ravi Shankar Tiwary, Kundan Pathak and the petitioner and when the police reached near the orchard, three persons have started fleeing



away. Total 157.05 litres English liquor has allegedly been seized.

6. The submissions is that the petitioner was not arrested at the place of recovery. There is no recovery from his possession. The petitioner has no criminal antecedents and merely on the basis of alleged identification by the village '*Chowkidar*' in the torch light, the petitioner has been implication in this case and he is in custody since 22.09.2020.

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

8. 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 **Special Judge, Excise Act, Patna, District Patna**, in connection with **Paliganj P.S. Case No.305 of 2020, Spl Case No. 5474 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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