

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5884 of 2021

Arising Out of PS. Case No.-327 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Sanjay @ Sanjay Raghaw, son of Satpal, Resident of New Colony, Pakka Bag, P.S.- Hapur, Distt- Hapur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No.327 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Since 24.08.2020, the petitioner is in custody. Alleged recovery is of 320.400 litres of Indian Made Foreign



Liquor (IMFL) from a pick-up vehicle. The petitioner is alleged to be cleaner.

It is submitted that the petitioner has no criminal antecedents. Recovery is not in accordance with law and that there is no forensic opinion to support the allegation that the recovered substance is an intoxicant

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 court of learned A.D.J.-II-Cum-Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No.327 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.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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