

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7269 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- AANDAR District- Siwan

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Bade Pasi@ Bhadai Pasi aged about 60 years, Gender-Male Son of Late Lachhu Pasi, Resident of village- Chandauli Gangauli Police Staton-Andar, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh Advocate
For the State : Mr. Binod Kumar 2 APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 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. Heard learned counsel for the petitioner and learned counsel for the State

3. The petitioner seeks bail in Andar PS Case No. 199 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. 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.

5. Total 470 litres and 400 ML illicit foreign liquor has allegedly been recovered from the house of the petitioner.

6. The learned counsel for the petitioner submits that recovery is from a joint property, for which, petitioner cannot be held liable. He has no criminal antecedents. It is a case of false



implication and the seizure is not in accordance with law. The petitioner is in custody since 30.11.2020 which has wrongly been stated as 14.10.2020 in paragraph no. 9 of the petition due to inadvertence.

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 Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Siwan in connection with Andar PS Case No. 199 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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