

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7243 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

=====

Khagesh Kumar Son of Jay Prakash Yadav, resident of village - Bhirkhi
Navtolia, Ward No 21, P.S. and District – Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 In view of sudden surge of COVID–19 infection there

is limited functioning of the High Court and therefore the matter

has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner’s counsel

would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in Excise Case No. 79/2020-21

registered for offence punishable under section 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

189 litres (21 cartons) of Indian made foreign liquor



has been recovered from a vehicle which stands registered in the petitioner's name.

Petitioner's counsel submits that even as per the prosecution case, petitioner has not been apprehended with recovered substance. The driver was carrying the substance for which the petitioner cannot be held responsible, as he had no knowledge about transportation of illicit liquor being done by the driver. Petitioner is in custody since 07.12.2020 and has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Madhepura in Excise Case No. 79/2020-21, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit 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)

Mahesh/-

U		T	
---	--	---	--

