

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9366 of 2021**

Arising Out of PS. Case No.-586 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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GATO SINGH Son of Late Rajendra Singh Resident of Village- Bari Aghue,
P.S.- Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the State	:	APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

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.

The petitioner seeks bail in Mufassil PS Case No 586 of
2020, instituted for the offence under Sections 120B of the
Indian Penal Code and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

1301.625 litres illicit liquor has allegedly been recovered
from near the house of co-accused.

It is submitted that the petitioner's implication is based
only on confessional statement of co-accused, namely, Ghayani
Yadav which statement has been recorded in custody and has no
evidentiary value. The petitioner has no criminal antecedents,
and is in custody since 25.11.2020 though there is no recovery
of any intoxicant from the petitioner's conscious possession.



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 Sessions Judge-II-cum Special Judge, Excise Act, Begusarai, in connection with Mufassil PS Case No. 586 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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