

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9114 of 2021

Arising Out of PS. Case No.-375 Year-2020 Thana- BARHARA District- Bhojpur

Prakash Kumar Son of Late Ram Lakhan Yadav, Resident of Muhalla-
Maulabagh, P.S. - Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

In view of sudden resurgence 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. 1180 of 2020, arising out of Barhara P.S. Case No. 375 of 2020 registered for offence punishable under sections 399, 402, 414 of the Indian Penal Code, section 25 (1-b) a, 26, 35 of the Arms Act and 30 (a) of the Excise Act.



On a tip-off regarding planning of dacoity the police proceeded to Mahuli Ghat where 7-8 persons had gathered. Four persons have been apprehended, including the petitioner.

It is alleged that there is recovery of liquor, fire arms etc. from the co-accused persons. From the petitioner there is recovery of a country made pistol without any magazine. Petitioner is in custody since 30.08.2020.

Petitioner's counsel submits that it is a case of false implication and no case under Excise Act would be made out against the petitioner, as recovery of liquor is from co-accused. The petitioner is accused in two cases from before. The submission is total denial of seizure from the petitioner and that no seizure list has been prepared in accordance with law.

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 4th A.D.J.-cum-Special Judge, Excise, Bhojpur at Ara in Excise Case No.1180 of 2020, arising out of Barhara P.S. Case No. 375 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 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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