

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11104 of 2021**

Arising Out of PS. Case No.-454 Year-2020 Thana- JAKKANPUR District- Patna

BAIJNATH KUMAR @ BAIDYANATH KUMAR S/O Ganga Sao Resident
Of Village - Bhabhaur @ Bhabhaur, P.S. - Pipra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 07-07-2021

. 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 Jakkanpur PS Case No. 454 of 2020 registered under Sections 30(a), 36 and 41 47 of Bihar Prohibition and Excise Act, 2016 .

59 liters of country made liquor has allegedly been recovered from a Tempo. Petitioner was fleeing away and has been apprehended.

Learned Counsel for the petitioner submits that even as per prosecution case petitioner was not apprehended from the Tempo. He was a bonafide passersby and has become victim of the circumstances. Having no criminal antecedent he is in custody since 14.10.2020.

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 Special Judge, Excise, Patna in Jakkanpur PS Case No. 454 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)

SNkumar/-

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

