

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63174 of 2021**

Arising Out of PS. Case No.-20 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

TENGARI BIND Son of Nanku Bind Resident of Village - Naukata, P.S.-
Chand, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar, Advocate

For the Opposite Party/s : Mr Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Chainpur Police Station
(for brevity, PS) Case No 20 of 2021 instituted for the offence
punishable under Sections 30 (a), 30 (d) of Bihar Prohibition
and Excise (Amendment) Act, 2018 and Sections ¾ of Bihar
Mahua Flower Act.

On information regarding manufacture and selling of
illicit wine by one Mankandey Bind, the police has gone to
verify the same.

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent and merely because he



was in the locality, he has been rounded up as one of the accused persons. There is no recovery of any incriminating article from his possession or property. Submission is that one co-accused Sunil Bind has been allowed bail by this Court in Cr Misc No 48414 of 2021. Petitioner is in custody since 15.02.2021 and there is alleged recovery of 10 liters country made liquor and 25 Kilo grams of Mahua Flower from the property of co-accused Markandey Bind. The petitioner has earlier moved for grant of bail in Cr Misc No 29679 of 2021. The same was withdrawn on 27.08.2021 (Annexure 1). He, thereafter, has moved the Court of Special Judge, Excise, Kaimur at Bhabua for grant of bail on 04.10.2021, which has been rejected.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Kaimur at Bhabhua in Chainpur PS Case No 20 of



2021 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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