

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8947 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

CONGRESS KUMAR Son of Rajendra Yadav Resident of Village- Isari, P.S.-
Muffasil, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021

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 Muffasil PS Case No. 299 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

From the cabin allegedly owned by the petitioner 100 liters illicit country made liquor has been recovered. Allegation is that the same was being manufactured there.

It is submitted by petitioner's Counsel that the petitioner has falsely been implicated in this case. Seizure is in contravention of the mandatory procedure for seizure and recovery. Petitioner has no criminal antecedent and not concerned with the cabin in question. He is in custody since 8.11.2020. Co-accused Pramod Yadav has been allowed bail by the court below itself.



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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Nawada in Muffasil PS Case No. 299 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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