

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10944 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SHAHIL KUMAR @ SHAHAIL KUMAR Son of Late Raja Sharma @
Ramesh Sharma Resident of Mohalla- Pankha Toli, Badhai Tola, P.S.-
Kazimohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 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 Kazimohammadpur (K.M.P.) PS

Case No. 81 of 2020 registered under Sections 30(a), 38 & 41 of

the Bihar Prohibition & Excise Act, 2016.

82.620 litres of illicit liquor has been recovered from



the house of petitioner.

Learned counsel for the petitioner submits that recovery is from joint property for which the petitioner cannot be held liable. It is submitted that petitioner has one criminal antecedent from before in which he is on bail. In the instant case he is in custody since 19.10.2020.

It is submitted that petitioner had earlier been allowed anticipatory bail in Cr. Misc. No. 26554/2020. However, before the order was passed, he was taken into custody as per statement made in the supplementary affidavit filed through electronic mode and therefore, the order passed in the said anticipatory bail has become infructuous.

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 learned Special Judge, Excise Act, Muzaffarpur, in Kazi Mohammadpur PS Case No. 81 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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