

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62058 of 2021**

Arising Out of PS. Case No.-640 Year-2021 Thana- KHAGARIA District- Khagaria

Raj Kumar @ Raj Kumar Sahni, aged about 20 years, male, Son of Naresh Sahni R/O Muhalla- Katchhari Road Khagaria, P.S. and District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indrajit Kumar, Adv.
For the State : Mr. Gauri Shankar Gupta, APP

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

2 30-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

At the very outset, petitioner's counsel submits that in the description of the petitioner, in the cause title, due to inadvertence, mention of '*Chitra Gupta Nagar*' has been omitted. He submits that from perusal of the '*Vakalatnama*', it is evident that the petitioner is resident of P.S. *Khagaria* (*Chitra Gupta Nagar*).

The Court, having seen the '*Vakalatnama*', is satisfied that there is an inadvertent error in the description. '*Chitra Gupta Nagar*' may be read along with '*P.S. Khagaria*' in the cause title.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the



requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Khagaria PS Case No. 640* of 2021, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

31.500 liters foreign liquor has been recovered from the tempo. The petitioner along with one other co-accused was allegedly arrested from the tempo.

It is submitted that the petitioner was oblivious of the illicit contents and has become a victim of the circumstances. Having no criminal antecedents, he is in custody since 11-08-2021.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact that he has no criminal antecedents, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *Special Judge (Excise) Khagaria*, in



connection with *Khagaria P. S. Case No. 640* 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.

(Madhuresh Prasad, J)

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