

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66947 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Aazad Kumar, S/o Bhagwan Mahto, R/o- Chhoti Pahari, P.S.- Agamkuan,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with (Govt.
Official) P.R. Case No.50/2021 (Spl. Case No.5463/2021)
registered for the offence punishable under Sections 30(a), 32(i),
32(iii), 41(i), 41(ii) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 100 litres country
made liquor in front of the petitioner's house. Prosecution
alleges that along with other co-accused, petitioner has
confessed involvement in the trade of illicit liquor.

Counsel for the petitioner submits that even as per
the prosecution case, recovery is from in front of petitioner's
house. The said place is open to one and all, for which the



petitioner cannot be held responsible. He is having no antecedents and has remained in custody since 03.09.2021. Investigation is also stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the fair antecedents, recovery being from an open place, as per the prosecution case, as also the period of custody, 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, Patna, in connection with (Govt. Official) P.R. Case No.50/2021 (Spl. Case No.5463/2021), 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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