

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63634 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Bhawani Kumar, Son of Ram Udgar Mahto, Resident of Village & P.S.-
Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

The petitioner seeks bail in connection with
Musrigharari P.S. Case No.50 of 2021 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

45 litres illicit liquor has been recovered from a
motorcycle abandoned by the Driver.

Petitioner's counsel submits that the motorcycle, in
fact, had been left by the petitioner at his in-laws' house from
where it was being misused by someone. In the circumstances,
he has been implicated without any basis. He is in custody since
02.07.2021 and has no antecedents. Investigation is also stated
to be complete.



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

Considering the rival submissions and that the investigation is complete and the period of custody as also the fact that the petitioner was not present at the time of the alleged recovery, 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 learned Additional Sessions Judge-II-cum-Special Judge (Excise), Samastipur, in connection with Musrigharari P.S. Case No.50 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.

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)

PNM

U		T	
---	--	---	--

