

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64358 of 2021

Arising Out of PS. Case No.-213 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Chintu Kumar S/O Shambhu Ray R/o village- Barhauna Tada, Ward No. 12,
P.S.- Vidhyapati Nagar, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar No.1, Adv.
For the Opposite Party : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 The matter has been listed today for consideration
through Video Conferencing.

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.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Excise Case No. 213 of
2021, instituted for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged that the police have stopped the vehicle, from
which, there is alleged recovery of 242.640 litres of illicit



foreign liquor and the petitioner was fleeing away from the vehicle and has been apprehended.

Petitioner's counsel submits that the petitioner has suffered the circumstances in which he had availed a ride on the vehicle in-question unaware of the illicit content thereon. He has no criminal antecedents and he is in custody since 27.07.2021. Admittedly, there is no recovery of liquor from the petitioner's conscious possession.

The learned APP representing the State has opposed the prayer for bail. It is submitted that the petitioner was arrested fleeing away from the vehicle from which the recovery has been made.

Considering the rival submissions, the fact that the petitioner has no criminal antecedents and for alleged recovery from the vehicle he has remained in custody since 27.07.2021, 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 2nd Additional Sessions Judge-cum Special Judge (Excise), Samastipur, in connection with Excise



Case No. 213 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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