

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64544 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- MATIHANI District- Begusarai

Tarun Kumar, male, aged about 24 years, Son of Girdhari Prasad Singh R/O
Village- Godargama P.S.- Matihani, Dist. Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Ms. Madhuri Lata, 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.

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 *Matihani PS Case No. 11 of*
2020, instituted for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act.

Total 702 liters illicit liquor is alleged to have been
recovered from the orchard of the family members of the
petitioner.

The learned counsel for the petitioner has submitted that
the petitioner is innocent. He has falsely been implicated in the



instant case. Petitioner is in custody since 07-09-2021. As per disclosure made in paragraph no. 3 of the bail petition, there is one case pending against the petitioner, in which case, he is on bail. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, no recovery of illicit liquor has been made from the conscious possession of the petitioner and the orchard, from where, the illicit liquor has been recovered also does not belong to the petitioner. One of the co-accused of this case, namely, Varun Kumar, has been granted bail vide order dated 05-02-2021, passed in Cr. Misc. No. 37976 of 2020 (Annexure-2).

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

Considering the rival submissions, the fact that the orchard, from where, the illicit liquor has been recovered, does not belong to the petitioner, period of custody and the fact that co-accused has been granted bail, 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



Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with *Matihani PS Case No. 11 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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