

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64297 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- NAWANAGAR District- Buxar

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Amit Kumar, aged about 25 years, male, S/o Kameshwar Choudhari R/o Vill.
- Jhalkhoriya, P.S. - Dawath, Dist. - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Dr. Kamal Deo Sharma, Adv.
For the State	:	Ms. Madhuri Lata APP

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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 *Nawanagar PS Case No. 308*
of 2021, instituted for the offence punishable under Sections
30(a) and (d) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

There is alleged recovery of 30 liters illicit country made
wine and some empty bottles from a tractor. The petitioner has
been apprehended as one who was fleeing away from the
tractor.



Petitioner's counsel submits that the petitioner is a poor vegetable vendor and has become victim of the circumstances due to his presence near the place of recovery. He has no criminal antecedents and he is in custody since 19-08-2021. There is no recovery from his possession and investigation is complete.

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

Considering the rival submissions and in view of the fact that there is no recovery from the petitioner's possession and period of custody keeping in background the fact that investigation is complete, 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, Buxar*, in connection with *Nawanagar PS Case No. 308 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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