

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 64930 of 2021**

Arising Out of PS. Case No.-567 Year-2021 Thana- KANTI District- Muzaffarpur

PRAMOD THAKUR Son of Rajendra Thakur Resident of Village- Kalwari,
P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr Mohammed Arif, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **31-05-2022** Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Kanti Police Station (for brevity, *PS*) Case No 567 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016-2018.

There is alleged recovery of 808.560 liters foreign liquor from the petitioner's house.

Learned counsel for the petitioner submits that it is a false case. The alleged seizure is not in accordance with law and mandatory procedure, prescribed under Criminal Procedure Code. In fact, the petitioner has no concern with the alleged



recovery of illicit liquor and having no criminal antecedent, he is in custody since 09.09.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, clean antecedent and submission of the petitioner's counsel that liquor was dumped in his house by certain persons, who were fleeing away, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Kanti PS Case No 567 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.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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