

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47593 of 2022

Arising Out of PS. Case No.-9 Year-2020 Thana- KAMTAUL District- Darbhanga

HIMANSHU KUMAR, S/o Late Vinod Mandal, R/o village- Vishwambhar
Patti, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Kamtaul P.S.
Case No. 09 of 2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

There is alleged recovery of 146.88 litres Indian made
foreign liquor from a parked vehicle. The FIR has thus been lodged
against unknown persons.

Learned counsel for the petitioner submits that in
investigation it has emerged that the vehicle was standing registered
in the petitioner's name. He has thus been take into custody on
20.07.2022. The prosecution case does not alleged that there is any
recovery of liquor from the petitioner. In fact, a friend had borrowed
the vehicle from the petitioner and he had no knowledge about any
liquor being kept or transported in the same. He has thus become
victim of the circumstance. He is on bail in the other three cases
pending against him, as per details contained in the bail petition and



supplementary affidavit. Moreover, investigation is also complete.

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

Considering the rival submissions, the fact that the prosecution case does not allege any recovery from the petitioner and his period of custody, 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 Special Judge-1 (Excise Act), Darbhanga, in connection with Kamtaul P. S. Case No. 09 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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