

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62476 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- ITARHI District- Buxar

OM PRAKASH GOND @ PAKAI, Son Of Shivnath Gond, R/O Village-
Kukurha, P.S.- Itarhi, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

The petitioner seeks bail in connection with Itarhi P.S.
Case No. 254 of 2022 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

1 liter country made liquor has been recovered from near a
Bamboo tree. The petitioner has been apprehended as the person who
was feeling away.

Learned counsel for the petitioner submits that the
petitioner's implication is on account of his antecedents. Recovery is
from an open place and the petitioner is in custody since 22.08.2022.

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

Considering the rival submissions, manner of recovery,
nature of allegation and 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 Special Excise Court-I, Buxar, in connection with Itarhi P.S. Case No. 254 of 2022, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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