

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65703 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Aditya Raj @ Bhonu @ Somnath Kumar S/O Anil Sah, aged about 26 years,
Gender- Male Resident of village- Mahisauri, P.S.- Jamui District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dipak Kumar, Adv.
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Malaypur PS Case No. 58 of 2021, GR No. 1044 of 2021, registered for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

The confessional statement of co-accused, namely, Vikas Kumar Modi apprehended on account of recovery of 90 litres illicit liquor, has led to petitioner's implication. Even as per the prosecution case, the petitioner was not present at the time and place of recovery nor there is any recovery from his conscious possession, justifying his implication in the instant case. Vikas Kumar Modi has already been allowed bail and the petitioner is on bail in the two other cases pending against him since before, as mentioned in para three (03) of the bail petition. Recovery is denied and disputed by the petitioner's counsel. It is submitted that recovery is not in accordance with law.



The petitioner is in custody since 12-08-2022.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody 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 Exclusive Court Excise-1, Jamui, in connection with Malaypur PS Case No. 58 of 2021, GR No. 1044 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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