

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60913 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- BYPASS District- Patna

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Budhawa @ Vinod Kumar @ Vinod Budhawa, Son of Fekan Beldar, R/O
Beldari Tola, Bahari Begampur, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 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 Bypass
P.S. Case No.272 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 200 litre country made
liquor from an open field.

It is submitted by the petitioner's counsel that the
petitioner's name has been implicated by the local persons due
to local politics. There is no recovery from the petitioner and
since recovery is from an open place, no criminality can be
attached to the petitioner for the said recovery. He is on bail in



Bypass P.S. Case No. 48 of 2022. In the instant case, he is in custody since 04.08.2022.

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

Considering the rival submissions, the period of custody, the fact that recovery is from an open field as also the facts and circumstances of the case, 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.

Accordingly, 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 Judge, Excise, Patna City, in connection with Bypass P.S. Case No.272 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.

(Madhuresh Prasad, J)

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