

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 64249 of 2022**

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

ARUN KUMAR Son of Laxuman Yadav R/O Village- Balkhora Tola- Chatari
Bigha, P.S- Amas District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ranjit Kumar, Advocate

For the Opposite Party/s : Mr Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-01-2023** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Madanpur Police Station
(for brevity, **PS**) Case No 236 of 2022 registered for the offence
punishable under Sections 30 (a), 37 of Bihar Prohibition and
Excise Act, 2022 and Sections 272, 273, 304 of Indian Penal
Code.

There is alleged recovery of 14 liters of illicit liquor
from the house of co-accused Lakhan Choudhary, Shyam
Choudhary and D C M Choudhary.

Learned counsel for the petitioner submits that
petitioner's name has been dragged in the instant case only on



the basis of call details which shows that he was taking with co-accused Shyam Choudhary. The petitioner has one antecedent in Amas PS Case No 344 of 2021 under Section 30 (a) of Bihar Prohibition and Excise Act. Other two co-accused, who have been implicated in similar manner, namely Sakesh Kumar and Ajay Rikiyasan, whose names have surfaced in the course of investigation, have been allowed bail by this Court by order dated 27.08.2022 passed in Cr Misc No 38511 of 2022 and Cr Misc No 38761 of 2022. The petitioner is stated to be in custody since 30.05.2022.

Learned APP has opposed the prayer for bail.

Having considered 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 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 Court I, Aurangabad in Madanpur PS Case No 236 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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