

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61315 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Shubham Kumar @ Mannu Son of Late Sitaram Singh R/o Village - Patailiya,
Ward No.- 10, P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Adv

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

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 learned APP for the State.

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

Petitioner seeks bail in connection with Khodabundpur P.S. Case No. 260 of 2022 registered under Sections 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Act 2018.

There is alleged recovery of 5392.44 litres illicit liquor from three vehicles. The petitioner's name has been stated by co-accused persons as being one of the associates.

Learned counsel for the petitioner submits that one month after the alleged recovery his name has been dragged on alleged



statement of co-accused due to his antecedents. The petitioner has no concern either with the vehicles or the recovered liquor and he is in custody since 06.09.2022. Similarly situated co-accused persons, namely, Shailesh Kumar and Anil Choudhary have been allowed bail.

Learned APP has opposed the prayer for bail.

Considering the rival submissions 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.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Special Excise Judge 1st, Begusarai in Khodabundpur P.S. Case No. 260 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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