

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62250 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- NAUGACHIA District- Bhagalpur

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Avinash Kumar @ Bihari @ Musa S/o Mahendra Prasad Singh R/v- Ward
No. 13, Pakra, P.S.- Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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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 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 Naugachia P.S. Case
No. 236 of 2022 registered under Sections 30(a), 32(II) and 45 of
Bihar Prohibition and Excise Act, 2018.

166.59 litres illicit liquor has been recovered from the vehicle.
The co-accused Chandan Kumar Bhghrana has alleged that the
petitioner was the consignee of illicit liquor.

Learned counsel for the petitioner submits that having no



antecedents, petitioner has been implicated on the basis of statement of statement of co-accused. Even as per prosecution case, there is no recovery from the petitioner. He is in custody since 18.08.2022.

Learned APP 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 is inclined to allow the petitioner's prayer for bail. 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 Special Judge Exclusive Excise Court No. 2, Bhagalpur in Naugachia P.S. 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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