

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63420 of 2022

Arising Out of PS. Case No.-351 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Kumar Aditya, Son Of Vinay Kumar Gupta @ Vinay Kumar Sah, R/O Vill.-
Jahangirpur, P.S.- Sonapur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-01-2023 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 Excise P.S. Case No.
351 of 2022 registered under Section 30(a) of Bihar Prohibition and
Excise Act.

129.600 litres illicit liquor has been recovered from a vehicle
wherein the petitioner was allegedly travelling.

Learned counsel for the petitioner submits that petitioner,



having no antecedents, has been implicated because he was near the place of occurrence, on suspicion. He is in custody since 16.09.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody 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 court of A.D.J Special Excise Court no. 2, Siwan in Excise P.S. Case No. 351 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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