

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63214 of 2022**

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

BHIM KUMAR S/O SHANKAR KUMAR @ SHANKAR MISTRI Resident
of village- Kanjri, P.S.- Beldour, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Viveka Nandsingh, Advocate
For the Opposite Party/s : Ms Sharda Kumari, 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 Chautham Police Station
(for brevity, **PS**) Case No 213 of 2022 registered for the offence
punishable under Sections 30 (a), 32 (I) (II), 41 (I) (II), 36 of
Bihar Prohibition and Excise (Amendment) Act, 2022 and
Section 420 of Indian Penal Code.

There is alleged recovery of 143.25 liters of illicit
liquor from the vehicle in which the petitioner is said to have
been apprehended.

Learned counsel for the petitioner submits that the
petitioner has no concern with the liquor. He was not aware of



any liquor in the vehicle and his implication is based on the earlier accusation of similar nature in Mahishi PS Case No 211 of 2015. The other co-passenger, namely, Kundan Kumar, who was also travelling in the vehicle, has been allowed bail by this Court by order dated 06.01.2023 passed in Cr Misc No 61874 of 2022. Petitioner is in custody since 06.08.2022.

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 Exclusive Special Excise Judge I, Khagaria in Chautham PS Case No 213 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)

M.E.H./-

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