

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64785 of 2022

Arising Out of PS. Case No.-416 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Binod Kumar, aged about 45 years, Male, Son of Ram Nihora Singh Resident
of Village- Saraiya Tola, P.S.- Jagadishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Jagadishpur P.S.
Case No. 416 of 2022 registered for the offence punishable under
Section 30(a), 30(d) of Bihar Prohibition & Excise Act.

From an open field of the petitioner, there is alleged recovery
of a gas-cylinder and thirty (30) litres 'mahua' wine.

Learned counsel for the petitioner submits that recovery is
from a open field, accessible to one and all. Petitioner's implication,
therefore, is not based on any cogent material. He has become victim
of the circumstances and is in custody since 26.08.2022. Petitioner is
having no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions
advanced by the parties, period of custody 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 of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-1st, Bhojpur at Ara, in connection with Jagadishpur P.S. Case No. 416 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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