

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66330 of 2022

Arising Out of PS. Case No.-689 Year-2022 Thana- BARHARA District- Bhojpur

Amit Kumar, aged about 21 yrs. Gender-male, S/O Binda Singh Rai Resident of village- Dilwarpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 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 Barahara (Krishnagardh) PS Case No. 689 of 2022, dated 26-09-2022 registered for the offence punishable under Sections 30(a)/37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The prosecution alleges recovery of 600 liters illicit *mahua* liquor from Tata ACE Vehicle from which the petitioner was allegedly fleeing away.

It is submitted that the petitioner has no concern with the alleged recovery and being in the proximity of the vehicle, he has been arrested on suspicion. The allegation of the petitioner being intoxicated also is false. It is submitted that investigation is complete.

The petitioner is in custody since 26-09-2022 though he has no antecedents.

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

Considering the rival submissions, manner of recovery,



period of custody and clean antecedent as also 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 -I, Bhojpur at Ara, in connection with Barahara (Krishnagardh) PS Case No. 689 of 2022, dated 26-09-2022, 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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