

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65342 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- DEODHA District- Madhubani

Bijay Kumar Singh @ Vijay Kumar Singh, male aged about 51 yrs. Son of Late Baidhyanath Singh Resident of Village- Shilanath, P.S.- Jaynagar, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the State : Mr. Asha Kumari, 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 learned Additional Public Prosecutor (*for brevity, APP*) appearing for the State of Bihar.

The petitioner seeks bail in connection with Deodha PS Case No. 100 of 2022, GR No. 1575 of 2022, registered for the offence punishable under Sections 272, 273, 414 of the of the Indian Penal Code and Section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2016.

Petitioner was allegedly carrying 90 liters of illicit *Nepali* liquor on his motorcycle.

Learned counsel for the petitioner submits that the recovery is not in accordance with law. The recovery is denied and disputed and it is submitted that his implication is because of his antecedents arising out of the two earlier cases under provisions of the Bihar prohibition and Excise Act.

The petitioner is in custody since 04-09-2022.

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 Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani, in connection with Deodha PS Case No. 100 of 2022, GR No. 1575 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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