

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65349 of 2022

Arising Out of PS. Case No.-857 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Anoj Kumar, aged about 19 years, Gender-male, Son of Sanjay Mahto R/V-
Chhebakiya, P.S- Ganga Bridge, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 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 Special Case No.
6086/2022 (arising out of Excise (Prohibition) Patna P.S. Case No.
857/2022) registered for the offence punishable under Section 30(a)
& 56(b) of Bihar Prohibition and Excise Act.

There is alleged recovery of hundred (100) litres of illicit
liquor.

Learned counsel for the petitioner submits that the allegation
of carrying hundred (100) litres illicit liquor on a scooty itself,
appears to be highly improbable. It is submitted that, *prima facie*, it
is a case of false implication based on extraneous considerations. The
same has not been recovered from his possession and not supported
by a seizure memo prepared in accordance with law. It is submitted
that investigation is complete. Having no criminal antecedents, he is
stated to be in custody since 25.09.2022.



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

Considering the rival submissions, manner of alleged recovery, clean antecedents, 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 Special Judge Excise, Patna, in connection with Special Case No. 6086/2022 (arising out of Excise (Prohibition) Patna P.S. Case No. 857/2022) , 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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