

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66771 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

KRISHNA KUMAR, S/o Shyamsundar Chauhan, R/o Village- Bairakhas
Gyanpur, P.S.- Gyanpur, Distt- Bhadohi(UP).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

Petitioner seeks bail in connection with Durgawati P.S. Case No. 165 of 2022 registered under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

171 litres country made liquor has been recovered in tetra packs from the vehicle which the petitioner was driving.

Learned counsel for the petitioner submits that the petitioner has not committed any offence. He was rendering his professional services without knowing about the concealed liquor. He is thus become victim of the circumstance. He is in custody since 14.06.2022. Recovery is denied and disputed by learned counsel for



the petitioner. It is submitted that recovery is not in accordance with law. He has one antecedent in which he is on bail. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of implication, period of custody, and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise No. 2 cum A.D.J. VII, Kaimur at Bhabua in Durgawati P.S. Case No. 165 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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