

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65952 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- KHAJAULI District- Madhubani

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DURGA KUMAR KISHORE KUMAR PASWAN RESIDENT OF
VILLAGE- CHUNABHATTI, BEHIND D.A.V., WARD NO. 14, P.S.
UNIVERSITY, DISTRICT- DHARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ratanakar Jha, Advocate

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

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Khajauli Police Station (for brevity, PS) Case No 174 of 2022 dated 15.09.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

189 liters illicit liquor has been recovered from the Tempo being driven by the petitioner.

Learned counsel submits that having no antecedent, the petitioner has falsely been implicated in this case though he has no concern with the recovery. The seizure memo is not in accordance with mandatory procedure. He is in custody since 16.09.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in GR No 1688 of 2022 arising out of Khajauli PS Case No 174 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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