

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66776 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- AGAMKUAN District- Patna

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Akhilesh Kumar @ Horlics, Son Of Jay Mangal Mahto, R/O Vill.- Bari
Pahari, P.O.- Bari Pahari, P.S.- Agamkuan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Agamkuan P.S. Case No. 61 of 2022 registered under Section 30(a) and 36 of Bihar Prohibition and Excise Amendment Act, 2018.

On receiving secret information regarding petitioner along with others bringing some liquor, police has reached the place to verify the information from where there is alleged recovery of 50 litres illicit liquor.

Learned counsel for the petitioner submits that on account of



three antecedents, petitioner has been implicated in this case. Even as per prosecution case, recovery is from open place accessible to one and all. Petitioner, under such circumstances, is suffering custody since 27.08.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, 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 Special Judge Excise, Patna City, Patna in Agamkuan P.S. Case No. 61 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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