

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69246 of 2023**

Arising Out of PS. Case No.-27 Year-2021 Thana- MUFFASIL District- Aurangabad

PADU KUMAR @ BAIJNATH KUMAR SON OF BHIKHAR SAW @
SAHVIR SAW VILLAGE- BAIJNATH BIGHA, PS- AURANGABAD
MUFFASIL, DIST- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 27 of 2021 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 15.02..2021 by the informant, Geeta Paswan.

As per the prosecution story, police intercepted a car and recovered altogether 587 liter illicit wine. Some persons were apprehended while this petitioner managed to escape. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been implicated in this case and do not have criminal



antecedent. Further submission is that one Anil Yadav has been extended the privilege of bail vide order dated 08.10.2021 passed in Cr. Misc. No. 29167 of 2021.

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner as also the fact that similarly placed co-accused Anil Yadav has since been extended the privilege of bail after framing of charges on furnishing bail bond of Rs. 20,000/-, this Court is inclined to take the same line and extend the benefit of bail after the framing of the charge.

Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise No. -01, Aurangabad in connection with Muffasil P.S. Case No. 27 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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