

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65914 of 2022**

Arising Out of PS. Case No.-624 Year-2021 Thana- ALAMGANJ District- Patna

ARVIND KUMAR @ OTEE MOD @ OTEE Son of Kamlesh Dom @
Kamlesh Ram R/O- Meenabazar Domkhana, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nityanand Kumar, Advocate
For the Opposite Party/s : Mr Khurshid Anwar, APP

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 Alamganj Police Station (for brevity, **PS**) Case No 624 of 2021 registered for the offence punishable under Sections 30 (a), 37 (c), 41 (1) of Bihar Prohibition and Excise Act.

There is alleged recovery from two places. The petitioner has been implicated based on alleged recovery of 480 liters of **Mahua** liquor from his house and 60 liters from his motorcycle.

Petitioner's counsel submits that the recovery was not made in presence of the petitioner. He denies and disputes the recovery altogether. It is further submitted that it is a case of false implication. There is no recovery from the conscious possession of the petitioner and merely on his antecedent (1 case), he has falsely been implicated in the instant case and remanded on 11.07.2022.

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 Exclusive Special Judge Excise, Patna City in Alamganj PS Case No 624 of 2021, 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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