

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65915 of 2022**

Arising Out of PS. Case No.-679 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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DEVA KUMAR S/o Rambabu Sah @ Ram Babu Sah R/o Village- Belahi
Ram, P.S.- Patahi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr Mohammed Arif, 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 Excise Police Station (for brevity, **PS**) Case No 679 of 2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

Near the Indo-Nepal Border, three motorcycles were stopped during patrolling when they started fleeing away. There is alleged recovery of 63 liters of illicit liquor from the petitioner's motorcycle.

Learned counsel submits that even as per prosecution case, the petitioner was not seated on the motorcycle at the time of alleged seizure. The petitioner was in the proximity of the place of recovery and has, thus, suffered implication based on suspicion though he has no concern with the illicit liquor. He has no antecedent and is in custody since 26.08.2022.

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 Excise Court II, East Champaran in Excise PS Case No 679 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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