

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67000 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- MAJORGANJ District- Sitamarhi

MUNNA KUMAR, Son of Vidhyanand Ray, Resident of Village- Basahiya,
P.S.- Dhanka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

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 the learned APP for the State.

The petitioner seeks bail in connection with Majorganj P.S. Case No. 328 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 114 litres illicit liquor from the vehicle. The petitioner is stated to be the driver.

Learned counsel for the petitioner submits that having no antecedents, the petitioner is in custody since 05.10.2022. Investigation is complete and implication is supported by seizure memo, which is not in compliance with Section 100 Cr.P.C.. Recovery is denied and disputed altogether. Petitioner is driver of the vehicle and his services were requisitioned for driving the vehicle to a particular destination. He was oblivious of the liquor being transported in the vehicle. He has become victim of the circumstance.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, clean antecedent, 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 of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court-I, Sitamarhi, in connection with Majorganj P. S. Case No. 328 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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