

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68486 of 2022

Arising Out of PS. Case No.-392 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Mahadev Das S/O Jagdish Das R/O House No- 111, Khudiram Bose Sarni,
Chhogomali, P.S- Siliguri, District- Jalpaiguri, West Bengal presently residing
at Niranjana Nagar, P.S- Bhakti Nagar, District- Jalpaiguri (West Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sadar PS
Case No. 392 of 2018 dated 3.10.2018, GR No. 881 of 2018,
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

547 liters illicit liquor has been recovered from a pick up
van. It is alleged that the driver has fled away. *Aadhar* card was
found bearing the name of the petitioner leading to his implication.

Learned counsel for the petitioner submits that *Aadhar*
card was kept in the cabin compartment of the vehicle in- question
along with other papers. The petitioner's vehicle was taken on hire
and, therefore, on a far-fetched assumption that the petitioner was
driving the vehicle at the time of recovery, he has been implicated. It
is not the prosecution case that he was arrested on the spot; nor any
recover has been made from his possession. It is submitted that
investigation is complete.

The petitioner is in custody since 07-08-2022 though he



has no antecedents.

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

Considering the rival submissions, manner of recovery, manner of petitioner's implication, period of custody, clean antecedent as also 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 the learned Exclusive Special Judge-I (Excise Act,) Darbhanga, in connection with Sadar PS Case No. 392 of 2018 dated 3.10.2018, GR No. 881 of 2018, 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)

shyambihari/-

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