

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64576 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- CHANDAN District- Banka

Pintu Kapri , male, aged about 25 years, S/o Ram Kapri @ Ram Kafri R/o village- Kenduatand, P. S.- Fatehpur, District- Jamtara (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Md. Najmul Hodda, Adv.
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Chandan PS Case No. 230 of 2020*, (Special Excise 726 of 2020) instituted for the offence punishable under Sections 30(a) (g), 32(2) of the Bihar Prohibition and Excise Act, 2016.

193.400 liters illicit liquor has been recovered from the vehicle, wherein, the petitioner was found sitting as a passenger.

It is submitted by the petitioner's counsel that it is a case of false implication. The petitioner has been implicated in the



instant case based on recovery made in another circumstance because of his earlier implication in *Banka Excise Case No. 46* of 2019. He further submits that he was unaware regarding the illicit liquor being kept in the vehicle by the driver. He has been in custody since 09-12-2020 which has been mentioned as 29-07-2021 due to a typographical error in the impugned order. Such statement has been made in para 11 of the bail petition. The co-accused, namely, Prasanjeet Kumar Bauri, driver of the vehicle, in- question has been allowed bail in Cr. Misc. No. 16370 of 2021.

The learned APP for the State has opposed the prayer for bail.

Having regard to the period of custody, claim based on parity, 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 *Additional Sessions Judge-II, Banka*, in connection with *Chandan PS Case No. 230* of 2020, (Special Excise 726 of 2020), 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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