

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46595 of 2018

Arising Out of PS.Case No. -201 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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1. Dewendra Ray S/o Late Babujugal Rai, R/v Baghara, P.S.- Patory
(Mohanpur O.P.), District- Samastipkur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 12-10-2018

It appears that vide order dated 17.09.2018, the prayer for bail of the petitioner was allowed and he was directed to be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) to the satisfaction of Special Judge Excise Act –Cum – A.D.J. VI, Samastipur in connection with Excise Case No. 201 of 2018 but due to some technical problem in the order uploaded on the web, it has inadvertently been mentioned as Chief Judicial Magistrate, Banka in Amarapur P.S. Case No. 62 of 2016. Thereafter, the order was listed under the heading “To Be Mentioned” and vide order dated 3.10.2018, this Court modified the order dated 17.09.2018 and directed to communicate the same at once.

Subsequently, it has been reported by the office that order



dated 17.09.2018 is not available on the website due to some technical error and thus necessitated the case to come under the heading “To Be Mentioned”. As such this case has been listed today under the heading “To Be Mentioned”.

Considering the aforementioned facts and circumstances, the order dated 17.09.2018 is reproduced herein full.

Heard the parties.

Petitioner seeks bail in Excise Case No. 201 of 2018 registered for the offences under Section 30(a), 38 (1) of Bihar Excise Amendment Act.

Allegation is of recovery of 786 liters liquor from the house of the petitioner and co-accused Ram Babu Rai.

Submission of the learned counsel for the petitioner is that nothing has been recovered from the house of the petitioner and recovery has been affected from the house of Ram Babu Rai.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the Special Judge Excise Act – Cum – A.D.J. VI, Samastipur in Excise Case No. 201/18 subject to the condition that (1) one of the bailors must



be a local person having sufficient immovable property within the jurisdiction of the concerned court. (ii) the petitioner will not induce any witness or tamper with the evidence and the petitioner shall co-operate in the disposal of the trial and make himself available as and when required by the court, otherwise, his bail bond shall be cancelled.

Let this order be communicated to the court below forthwith.

(Vinod Kumar Sinha, J)

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