

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69221 of 2019

Arising Out of PS. Case No.-330 Year-2019 Thana- DUMRA District- Sitamarhi

Hanshlal Rai, aged about 26 years, Male, son of Late Rijhan Rai, resident of village-Bishwanathpur, Ward No.1, P.S. Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No.330 of 2019 dated 27.08.2019 registered at Police Station-Dumra District-Sitamarhi under Section 30(A) of the Bihar Prohibition and Excise Amendment Act, 2016.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Allegedly 141.840 liters *mahua* wine was recovered.

Learned counsel for the petitioner submits that he has been falsely implicated in this case. The recovery has not been made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 27.08.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the



facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S.Case No.330 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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