

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9335 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- SONEPUR District- Saran

Jay Rai @ Jai Rai @ Jayee Rai, Son of Late Ramdahin Rai, Resident of
Village - Chakupshaid, P.S.- Sonpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Mishra, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020 The matter has been listed today for consideration
through video conferencing in view of the nationwide lockdown
on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sonapur
P.S. Case No.26 of 2020 instituted for the offence punishable
under Section 414 of the Indian Penal Code and Section 30(A)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that while the police



personnel (informant) was on patrolling duty, he received some secret information. To verify the same, he proceeded to the *Bathan* of the accused-petitioner, from where two motorcycles were seized. The further case is that 7.20 Ml. illicit liquor was recovered from the house of co-accused Pramod Kumar.

The petitioner's counsel submits that the instant petitioner is aged about 60 years. He has no criminal antecedents and no concern with the two stolen motorcycles, which are alleged to have been recovered from his *Bathan*. The *Bathan*, even as per paragraph 4 of the case diary, is at a distance of the petitioner's house where he was sleeping at the time of recovery. Under these circumstances, he is in custody since 11.01.2020.

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

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, 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 2nd Additional Sessions Judge Cum Special Judge, Excise, Saran at Chapra, in connection with



Sonepur P.S. Case No.26 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.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to



the court of 2nd Additional Sessions Judge Cum Special Judge,
Excise, Saran at Chapra and the competent authority of the State
in terms of clause 13 of Notice II published in the Cause List
uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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