

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10241 of 2020**

Arising Out of PS. Case No.-239 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Anil Rai Son of Narayan Ray Resident of Village - Asiya, P.S.- Gaighat,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr Ram Naresh Ray, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 29-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

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

Heard Mr Alok Kumar Alok, learned counsel for the petitioner as well as Mr Ram Naresh Ray, learned APP for the State.

Petitioner seeks bail in Gaighat Police Station (for brevity, *PS*) Case No 239 of 2019 instituted for the offence punishable under Sections 272, 273/34 of Indian Penal Code



and Sections 30 (a), 38, 41 of Bihar Prohibition and Excise Act, 2016.

On secret information, the police personnel reached behind the house of co-accused Ajit Rai. The Police Party had gone to enquire/investigate unloading of illicit liquor at the said place. The vehicle bearing registration No DLIVC – 1536 was found with 850.11 liters of illicit Indian Made Foreign Liquor. Two persons have been apprehended on the spot. The said two persons allegedly named the instant petitioner in their confessional statement.

Petitioner's counsel submits that no recovery whatsoever is alleged, nor made from the petitioner. He was not found at the place from where the recovery has been made. Other than the statement of co-accused, there is nothing to indicate petitioner's involvement. Upon his arrest in the instant case, the petitioner has also been implicated in Bochahan PS Case No 333 of 2019. Prior to implication in this case, the petitioner had no criminal antecedent.

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

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



Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Gaighat PS Case No 239 of 2019 subject to the following conditions -

(1) 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 bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) 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 lock down 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 bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements 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 will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Special Judge, Excise Act, Muzaffarpur and the competent authority of the State in terms of Clause (3) i of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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