

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18152 of 2020

Arising Out of PS. Case No.-117 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SUDHIR RAI Son of Late Awadhilal Rai @ Aadhlal Ray Resident of Village -
Parsa Ward No.2, P.S.- Suppi, Distt.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Devendra Kumar
For the Opposite Party/s :	Mr. Ashok Kumar, APP
	Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Devendra Kumar, the learned counsel appearing for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with C2-117 of 2020 for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 103.500 liters of illicit Nepali Saufi wine from the petitioner.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. Lastly, it is submitted that the seizure list is vitiated in the eyes of law inasmuch as there is no compliance of section 100 of the Cr. P.C. The petitioner is languishing in custody since 12.02.2020.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since 12.02.2020, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge (Excise), Sitamarhi in connection with C2/117 of 2020.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned 2nd Additional Sessions Judge cum



Special Judge (Excise), Sitamarhi in connection with C2/117 of 2020, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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