

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25531 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- PUSA District- Samastipur

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Lal Babu Rai @ Lalo Rai @ Lalbahadur @ Lalu Rai @ Lalbahdur Rai, Son
of Late Ramshreshth Ray, Resident of Village- Gangapur, P.S.- Tajpur (Waini
O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 Since as of now the Courts have not resumed normal

physical hearing, the matter has been listed today for

consideration through video conferencing.

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 Pusa P.S.
Case No.89 of 2019 registered for the offence punishable under
Sections 30(a), 41(2) of the Bihar Prohibition and Excise
Amendment Act, 2016.



The allegation is that on telephonic message, patrolling party raided the Fertilizer Store House of Aditya Thakur. Total 536 litres illicit Indian Made Foreign Liquor has been recovered from some vehicles standing there.

It is submitted that co-accused Aditya Thakur has been allowed anticipatory bail in Cr.Misc. No.74081 of 2019. Co-accused Ganesh Paswan, who was apprehended at the spot and has named the petitioner, has been allowed regular bail in Cr.Misc. No.65246 of 2019. The petitioner is on bail in other four cases pending against him, and in the instant case, he is in custody since 04.02.2020. Even as per the allegation, he was not apprehended at the place and time of seizure.

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

Considering the rival submissions, this Court is inclined to allow the 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 learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, in connection with Pusa P.S. Case No.89 of 2019, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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