

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23511 of 2020**

Arising Out of PS. Case No.-70 Year-2020 Thana- KALYANPUR District- East Champaran

PATIRAM RAI S/o Late Ramchandra Rai Resident of Village- Siswa Kharar,
P.S.- Kalyanpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Rashmi Jha, Advocate

For the Opposite Party/s : Mr Md Sufiyan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

The petitioner seeks bail in Kalyanpur Police Station (for brevity, PS) Case No 70 of 2020 instituted for the offence punishable under Section (s) 272, 273/34 of Indian Penal Code, Sections 30 (a), 41 (1) of Bihar Prohibition and



Excise Act.

Having no criminal antecedent, it is submitted that the petitioner is suffering custody since 23.03.2020 on account of alleged recovery of 70 liters of raw spirit in two black coloured jerrycan from behind his poultry farm. It is further submitted that even as per prosecution case, recovery is from behind his poultry farm having general public access for which the petitioner cannot be held liable.

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

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, 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 Additional Sessions Judge VII -cum- Special Judge, Excise, Motihari, East Champaran in Kalyanpur PS Case No 70 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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