

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24691 of 2020**

Arising Out of PS. Case No.-21 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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BIHARI RAI S/o Ramvidya Rai Resident of Village-Badharwa Khurd, P.S.-
Dumariyaghat, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Rashmi Jha, Advocate
For the Opposite Party/s : Ms Nirmala Kumari, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-09-2020 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 Dumariyaghat Police Station (for brevity, *PS*) Case No 21 of 2019 instituted for the offence punishable under Sections 272, 273/34 of Indian Penal Code and Section 30 (a) of Bihar Excise and Prohibition Act.



It is alleged that on secret information regarding illicit liquor trade from the house of co-accused Vinod Rai, the police personnel reached there from where the petitioner, Vinod Rai and Ramvidya Rai succeeded in fleeing away. 163.295 liters of illicit liquor is alleged to have been recovered.

Petitioner's counsel submits that, admittedly, the petitioner was not apprehended from the place. His implication is merely based on suspicion and on extraneous considerations. There is no recovery of any illicit liquor from his possession and he bears a clean past. The petitioner is in custody since 08.06.2020.

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 Act, East Champaran, Motihari in Dumariyaghat PS Case No 21 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.

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)

M.E.H./-

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