

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24244 of 2020

Arising Out of PS. Case No.-404 Year-2019 Thana- SAHPUR District- Patna

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Gorakh Rai @ Bhola Rai Son of Pyare Rai @ Ram Payare Ray Resident of
Village - Jamsaut, P.S. Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Special Case No. 9190 of
2019, arising out of Shahpur P.S. Case No. 404 of 2019,
registered for the offence under Section 30(a)(c) of Bihar
Prohibition and Excise Act.

As per the prosecution case, 25.125 liters of foreign
liquor and 15 kg. of Mahua are alleged to have been recovered
from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has
been recovered from conscious possession of the petitioner.
Recovery has been made from the house, which is in joint
possession. It is further submitted that Section 100 Cr.P.C. has



not been followed with respect to search and seizure. Petitioner has got clean antecedent and he is in custody since 06-04-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 9190 of 2019, arising out of Shahpur P.S. Case No. 404 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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