

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24659 of 2020

Arising Out of PS. Case No.-302 Year-2019 Thana- KALYANPUR District- East Champaran

VIKASH RAI Son of Ganesh Rai Resident of Village- Siswa Kharar
Bhediyarwa Tola, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

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.

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 Counsel for the State.

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

Petitioner seeks bail in Kalyanpur PS Case No. 302 of 2019 registered under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016.

From the house of the petitioner there is alleged recovery



of 240 liters of spirit.

It is submitted that it is a case of false implication. Even as per allegations the petitioner was not present at the time of recovery and has been remanded in the instant case from custody in another case. The petitioner is in custody since 11.6.2020. Charge-sheet has already been submitted.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named 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 7th Additional Sessions Judge -cum- Special Judge, Excise, Motihari in Kalyanpur PS Case No. 302 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.

(Madhuresh Prasad, J)

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