

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30334 of 2020**

Arising Out of PS. Case No.-273 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

RAJ KUMAR Son of Mohan Sahni Resident of Village- Janki Nagar, P.S.-
Majorganj, District.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Devendra Kumar, Advocate
For the Opposite Party/s : Mr Suresh Pd Singh, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-11-2020 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.

Mr Suresh Prasad Singh, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in C2 Case No 273 of 2020 instituted for the offence punishable under Section 30 (a) of



Bihar Prohibition and Excise Act, 2016.

It is submitted by petitioner's counsel that the alleged recovery of 81 liters of Nepali Saufi Wine, alleged from the petitioner is false. There is no compliance of Section 100 of Criminal Procedure Code. Petitioner has no criminal antecedent. There is no forensic opinion regarding the recovered liquid being an intoxicant. Petitioner is in custody since 23.07.2020.

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 II -cum- Special Judge, Excise, Sitamarhi C2 Case No 273 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)

M.E.H./-

U		T	
---	--	---	--

