

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13676 of 2021

Arising Out of PS. Case No.-406 Year-2020 Thana- NAANPUR District- Sitamarhi

Vijay Rai @ Vijay Kumar Rai, Son of Ram Ekbal Rai, R/o Village- Naya Tola
Seraha, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been taken up 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 APP for the State.

The petitioner seeks bail in connection with Nanpur
P.S. Case No.406 of 2020 registered for the offence punishable
under Sections 30, 30(a) and 38 of the Bihar Prohibition and
Excise Act, 2016.

169 litres and 600 ml. illicit liquor has allegedly
been recovered from a room attached to the petitioner's shop.



Counsel for the petitioner submits that the recovery is not from the petitioner's conscious possession. He has been falsely implicated. He has no criminal antecedents and is in custody since 01.10.2020.

Learned APP for the State has opposed the prayer for bail. He submits that recovery suggests that the petitioner was indulging in sale of illicit liquor.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned A.D.J.-II-Cum-Special Judge, Excise Act, Sitamarhi, in connection with Nanpur P.S. Case No.406 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.

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

(Madhuresh Prasad, J)

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