

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13052 of 2021

Arising Out of PS. Case No.-598 Year-2020 Thana- SONEPUR District- Saran

Ramesh Rai aged about 42 years, (Male) son Ujagar Rai, Resident of village- Sabalpur Pachhiyari Tola Police Station Sonapur District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra Advocate
For the State : Mr Mritunjay Kumar Nirala. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State

4. The petitioner seeks bail in Sonapur PS Case No. 598 of 2020, instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 38,41 and 47 of the Bihar Prohibition and Excise Act, 2016.

5. Total 596.16 litres illicit liquor has been recovered from a pick-up van. It is alleged that petitioner was one along with others who were fleeing away from the vehicle in-question.

6. The learned counsel for the petitioner submits that he



has no concern with the vehicle in-question. Merely on the alleged identification of the 'Chowkidar' in the torch light, the petitioner has been dragged in this case. There is no recovery of any incriminating material from the petitioner and, even as per prosecution case, he was not present in the vehicle at the time of recovery. He has no criminal antecedents and he is stated to be in custody since 29.11.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, 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 learned **Additional District and Sessions Judge-2-cum Special Judge Excise Act, Saran,** in connection with **Sonepur PS Case No. 598 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.

(Madhuresh Prasad, J)

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