

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13767 of 2021**

Arising Out of PS. Case No.-236 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Vinod Rai @ Binod Kumar Yadav S/o Late Raghunath Ray R/o village-
Senduari, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Motipur P.S. Case No.236 of 2020, registered for the offence under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per the prosecution case, 49.500 liters foreign illicit liquor was recovered from behind the state boring, which is alleged to have been kept by this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner or house of the petitioner. Recovery is made from open public place. Petitioner claims clean antecedent and is in custody since 24.11.2020.

Learned APP for the State has opposed the bail petition.



Considering the rival submission of the parties and amount of recovery and clean antecedent, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No.236 of 2020, 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 below and shall remain physically present, as directed by the court below, 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)

Prakash Narayan /-

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