

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24022 of 2021

Arising Out of PS. Case No.-412 Year-2020 Thana- VAISHALI District- Vaishali

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AVINASH RAI @ ABINASH KUMAR Son of Ashok Rai Resident of
Village - Jhansi Chhapra, P.S. and Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP 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 connection with Vaishali
P.S. Case No. 412 of 2020 registered under Section 30(a) of
Bihar Prohibition and Excise Act.

There is alleged recovery of 70 litres country-



made *mahua* from the property of petitioner and one Vikash Rai.

The counsel for the petitioner submits that there is no recovery from conscious possession of the petitioner and by virtue of enmity, he has been implicated in this case. He has no criminal antecedents and is in custody since 24.12.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. 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 learned Additional Sessions Judge-II-cum Excise Court, Vaishali in Vaishali P.S. Case No. 412 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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