

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26337 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Sonelal Rai S/O Late Bhuneshwar Rai R/O Village Harpur Juneda, P.S-
Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms.Preety Kunwar
For the Opposite Party/s :		Mrs.Pushpa Sinha 2, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Motipur P.S. Case No. 213
of 2020, registered for the offence punishable punishable under
Sections 272, 273, 120(B)/34 of the Indian Penal Code and
section 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act,
2018.

8000 litres of spirit has been recovered from a tractor
and it is alleged that the aforesaid consignment was brought by
this petitioner along with co-accused one Sujeet Kumar.



It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner is neither the owner nor the driver of vehicle in question and has no concern with the spirit. Petitioner is in custody since 26.11.2020.

Learned APP however, vehemently opposed the prayer for bail.

Considering the huge quantity of recovery and criminal antecedent, the petitioner above-named, is directed to be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 213 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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