

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26339 of 2021

Arising Out of PS. Case No.-98 Year-2019 Thana- SAKRA District- Muzaffarpur

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DAMODAR RAI S/o Dewki Rai R/o village- Maricha, P.S.- Maniyari,
District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mrs. Pushpa Sinha 2, APP

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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 Sakra P.S. Case No. 98 of
2019, registered for the offence punishable punishable under
Sections 272, 273, 323 and other allied sections of the Indian
Penal Code and section 30(a), 35(a), 39(II) and 41 of the Bihar
Prohibition and Excise Act, 2016.

704.16 litres of foreign liquor has been recovered
from a truck and it is alleged that aforesaid consignment was
brought by this petitioner along with other co-accused persons.

It is submitted that no recovery has been made from



conscious possession of this petitioner and he was not apprehended on the spot. Petitioner has no concern with the seized liquor. Petitioner is neither owner nor driver of the vehicle in question and he is in custody since 28.01.2021.

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 Act, Muzaffarpur in connection with Sakra P.S. Case No. 98 of 2019, 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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