

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31706 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- KALYANPUR District- Samastipur

Mithu Rai @ Mitthu Rai Son Of Ram Lagan Rai Resident of Village - Nima
Chakhaidar, P.S.- Chakmehasi, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 26-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kalyanpur P.S. Case No. 10 of 2020, registered for the offence under Section 30(a), 41(2) (1) of Bihar Prohibition and Excise Act.

On a secret information, a raid was conducted and 562 liters & 680 ml. of Indian made foreign liquor was recovered and this petitioner alongwith other co-accused fled away after seeing the police party.

It is submitted on behalf of petitioner that nothing has been recovered either from the conscious possession of the petitioner or from the house of the petitioner. Name of the petitioner has surfaced only on the basis of suspicion. Petitioner claims is in custody since 01.12.2020. Investigation is complete.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, 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 Addl. Sessions Judge – IInd cum Special Judge, Excise, Samstipur in connection with Kalyanpur P.S. Case No. 10 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.)

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