

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35649 of 2021**

Arising Out of PS. Case No.-228 Year-2019 Thana- DARIYAPUR District- Saran

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Upendra Kumar Rai @ Upendra Rai Son of Shiv Charan Rai @ Shricharan Rai Resident of Village - Tarwa Mangarpar, P.S.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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

2. 10-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Dariyapur P.S. Case No. 228 of 2019, registered for the offence under Sections 30 / 30(a) / 38 / 41 of Bihar Prohibition and Excise Act.

132 liters of illicit foreign liquor has been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the house, which is in joint possession of the family. Petitioner is in custody since 17.03.2021. 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 2nd Additional Sessions Judge-cum-Special Judge, Saran in connection with Dariyapur P.S. Case No. 228 of 2019, 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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