

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37169 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- DUMRA District- Sitamarhi

Nawal Rai @ Nawal Kumar S/O Deeplal Ray R/O Village-Bhauprasad, Ps
Dumra, District Sitamarhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party : Mr. NK Sinha, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

As per the prosecution case, 61.425 liters of foreign liquor has been recovered from a godown and arrested one Nek Mohammad who disclosed the name of petitioner and others as his associates who are involved in illicit trade of liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is merely a shopkeeper and no incriminating material has been recovered from his conscious possession. He is no way concerned with the alleged recovery. Petitioner is in custody since 16.3.2021. Investigation is complete. Several similarly situated co-accused have already been allowed bail by



this Court vide orders passed in Cr.Misc.No. 31833/2021 and 34439/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, let the petitioner, above named, 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 the Additional Sessions Judge II cum Special Judge, Excise Act, Sitamarhi in Dumra Police Station Case No. 28 of 2021 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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