

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37842 of 2021**

Arising Out of PS. Case No.-340 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Tuntun Rai S/O Late Murali Rai R/o village- Mahamadpur Balmi, Tole Purani
Bazar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pranav Kumar

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

2. 22-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Motipur P.S. Case No. 340 of 2020, registered for the offence under Section 30(a), 41(1)(2) of Bihar Prohibition and Excise Act.

276 liters 480 ml. of foreign liquor has been recovered from a Xylo Car and this petitioner is alleged to have fled away after seeing the police.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the said car. Petitioner is in custody since 04.03.2021.

Learned A.P.P. for the State has opposed the bail petition and submitted that petitioner has got criminal



antecedent and he is accused in seven more cases of Excise Act.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and same is accordingly rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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