

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31824 of 2020

Arising Out of PS. Case No.-260 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Umesh Rai (Male) Aged 50 years, Son of Manjhi Rai, Resident of Village -
Balua, Ward No. 03, Police Station - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Pushpendra Kumar Singh, learned counsel for
the petitioner and Mr. Md. Arif, learned Incharge Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Complaint Case No. C-2/260 of 2020 dated 06.07.2020 under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner and another co-
accused is that from his semi-built house, 298.980 litres of illegal
English wine was recovered.

4. Learned counsel for the petitioner submitted that he
has been falsely implicated as somebody else had kept the wine in
his semi constructed home of which he was not aware. It was



further submitted that the petitioner having no criminal antecedent is in custody since 06.07.2020.

5. Learned APP submitted that the recovery has been from the house belonging to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. IInd -cum- Special judge, Excise Act, Sitamarhi in Complaint Case No. C-2/260 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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