

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36325 of 2020**

Arising Out of PS. Case No.-246 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

LAXMAN RAI SON OF YOGENDRA RAI RESIDENT OF VILLAGE -
DUBAULI, P.S. - BAIKUNTHPUR, DIST - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Baikunthpur Police Station (for brevity, *PS*) Case No 246 of 2020 dated 06.08.2020 instituted for the offence punishable under Sections 30 (a), 32 and 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

1200 liters of illicit liquor is alleged to have been recovered from a truck and 1000 liters from a pick up van. The driver and cleaner have stated that the wine was brought to the petitioner and other co-accused persons.

Petitioner's counsel submits that implication is on the basis of confessional statement of co-accused, which has no evidentiary value. The petitioner has been implicated in this



case merely for the fact that he has antecedents. The petitioner is in custody now since 23.08.2020. He is on bail in other cases pending against him.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Gopalganj in Baikunthpur PS Case No 246 of 2020 dated 06.08.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

Learned counsel for the petitioner further undertakes that he would be sending an electronic copy of Page No 6 of the application during course of the day as the copy, which has been placed on record, is not legible.

(Madhuresh Prasad, J)

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