

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37280 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- KALYANPUR District- Samastipur

MODI RAY S/o Late Janak Ray Resident of Village- Jakhara, P.S.-
Kalyanpur, Distt- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Kalyanpur PS Case No. 125 of 2020 registered under Section 47, 30(a), 41(2)(1) of Bihar Prohibition and Excise Act, 2016.

358.560 liters of illicit liquor is alleged to have been recovered from the Gumti (shop) of petitioner's son.

Learned Counsel for the petitioner submits that by virtue of relation of the petitioner as father of the owner of the Gumti he has been implicated in this case. He is in custody since 7.9.2020. There is no criminal antecedent of the petitioner though there is one case subsequent to the petitioner's implication in this case namely Kalyanpur PS Case No., 147 of 2020 in which he has already been allowed bail.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur in Kalyanpur. PS Case No. 125 of 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.

(Madhuresh Prasad, J)

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