

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 466 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- KESARIA District- East Champaran

LAKHINDRA RAI S/O LATE YOGI RAI RESIDENT OF VILLAGE -
SUNDRAPUR MALAHI TOLA, POLICE STATION - KESARIYA,
DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prabhat Kumar, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kesariya Police Station
(for brevity, *PS*) Case No 137 of 2020 instituted for the offence
punishable under Section 30 (a) (c) (d), 34, 41 (i) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

Country made liquor was allegedly being
manufactured. The police party has reached the place and
recovered some material used for manufacturing as well as 220
liters of country made liquor.

Petitioner's name has been implicated as it is alleged
that the Chaukidar has identified the petitioner as one who was
fleeing away on the chase.



It is submitted that the petitioner, upon remand in the present case, is in custody since 07.07.2020. The informant, namely, Ram Balak Rai happens to be *Gotiya* of the petitioner and his name is being implicated in several cases based on subsisting land dispute with the said Ram Balak Rai. Admittedly, the petitioner was not arrested at the place of manufacture of illicit liquor nor any such incriminating article has been recovered from him. The petitioner is on bail in the cases pending against him since before, as per details contained in paragraph 3 of the application.

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 VII -cum- Special Judge, Excise, East Champaran, Motihari in Kesariya PS Case No 137 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.

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.

(Madhuresh Prasad, J)

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