

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37237 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- MAHINDWARA District- Sitamarhi

Ram Shankar Rai @ Ramai Rai, Son of Late Ram Chandra Rai, Resident of
Village - Gaushangar, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

The petitioner seeks bail in connection with Mahindwara Riga P.S. Case No.88 of 2020 registered for the offence punishable under Sections 30(a)(b)(c)(f), 37 and 41 of the Bihar Prohibition and Excise Act, 2016.

84.75 litres illicit liquor has been allegedly recovered, leading to the petitioner's implication.

Counsel for the petitioner submits that the recovery is from bamboo clump located in the property of one Narayan Rai. The petitioner is said to be fleeing away. There is no recovery of illicit liquor from the petitioner's possession and, therefore, his implication is only based on suspicion and without any basis. The petitioner is in custody in connection with this



case since 18.07.2020.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with Mahindwara P.S. Case No.88 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.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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