

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39257 of 2020**

Arising Out of PS. Case No.-169 Year-2019 Thana- SALIMPUR District- Patna

Kapil Rai Son of Nagi Rai Resident of Village- Gyaspur Mahaji, P.S.-  
Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Usha Kumari Singh, Adv.  
For the State : Mr. Mukeshwar Dayal APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      17-02-2021      Heard learned counsel for the petitioner and the learned  
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Salimpur PS Case No.169 of 2019 instituted for the offence under Section 30(a), 31(1)(2) (3)/41(1) of the Bihar Prohibition and Excise Act, 2016 .

5328 litres of illicit liquor has been seized from a truck. The petitioner and others are alleged to be fleeing away.

It is submitted by the petitioner's counsel that the petitioner bears a clean past. He is neither owner of the truck nor he has been apprehended with any illicit liquor. His identification is purely based on suspicion. He further submits that on 06.03.2020, he was allowed anticipatory bail in Cr Misc. No. 76127 of 2019, however, the petitioner, unfortunately, had been arrested prior to passing of the said order. He is in custody



since 22.1.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 Special Judge, Excise Act, Patna, in connection with Special Case No 7192 of 2019 arising out of Salimpur PS Case No.169 of 2019, 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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