

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39427 of 2020**

Arising Out of PS. Case No.-455 Year-2019 Thana- SAKRA District- Muzaffarpur

NIRAJ KUMAR Son of Kamlesh Ray Resident of Village - Chakauliya
Mishraulia, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Punam Shrivastava, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **19-03-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sakra (Muzaffarpur)
Police Station (for brevity, *PS*) Case No 455 of 2019 dated
25.09.2019 instituted for the offence punishable under Sections
272/273 of Indian Penal Code and Sections 30 (a) of Bihar
Prohibition and Excise Act, 2016.

A search has been conducted leading to recovery of
4105.650 liters of English wine. Petitioner's name has been
stated by the apprehended persons along with three others.

It is submitted that implication is on account of the
antecedent of the petitioner. Even, as per prosecution case, he
was not present at the place or time of recovery and there is no



recovery of any incriminating article from his possession. Other submission is that similarly situated co-accused Uma Shankar Prasad @ Makhan Singh has been allowed bail by this Court in Cr Misc No 19141 of 2020 by order dated 03.06.2020. Petitioner has now been in custody since 10.07.2020.

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 Special Judge, Excise Act, Muzaffarpur in Sakra (Muzaffarpur) PS Case No 455 of 2019 dated 25.09.2019 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.

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)

M.E.H./-

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