

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40495 of 2020**

Arising Out of PS. Case No.-196 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SHIV KUMAR RAY Son of Dhaneshwar Ray Resident of Village -
Bhawanidih, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Izhar

For the Opposite Party/s : Mr.Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 23-03-2021 Heard both parties.

The petitioner seeks bail in Motipur P.S. Case No. 196 of 2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, 120 litres of spirit has been recovered from the hut of this petitioner.

It is submitted that nothing has been recovered from conscious possession of this petitioner. The hut in question does not belong to this petitioner. Petitioner is in custody since 28.08.2020. Chargesheet has already been submitted.

Considering the period of custody and the fact that no recovery has been made from conscious possession of this petitioner, the petitioner above-named, is directed to be enlarged



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, Muzaffarpur in connection with Motipur P.S. Case No. 196 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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