

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.862 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- BAKHTIYARPUR District- Patna

Fakira Rai @ Ramesh Rai Son of Ram Bali Rai R/O- Rani Sarai,
Mahmoodpur, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saifur Rahman , Adv
For the State : Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honour 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 to do so.

The petitioner seeks bail in Bakhtiyarpur PS Case No 210 of 2020, instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the petitioner's hut 71 litres of country made liquor has allegedly been recovered.

It is submitted by the petitioner's counsel that recovery was in his absence and, therefore, he cannot be held liable for the same. The petitioner has subsequently been arrested two days later and since 14.09.2020 he is in custody. Recovery is not in accordance with section 100 Cr PC and there is no forensic material to support the factum of recovered substance being intoxicant.



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 Bakhtiyarpur PS Case No 210 of 2020, Special No. 5356 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.

(Madhuresh Prasad, J)

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