

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40658 of 2020**

Arising Out of PS. Case No.-132 Year-2020 Thana- MOTIPUR District- Muzaffarpur

MUNNA RAI @ MUNNA KUMAR S/o Harinandan Ray Resident of
Village- Mahwal, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh
Mr.Nitu Kumari

For the Opposite Party/s : Mr. Umesha Nand Pandit, APP

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

2 23-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 19.08.2020 in connection with Motipur P.S. Case No. 132/2020 registered for the offences punishable under Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act and Section 272/273 of the Indian Penal Code.

As per the prosecution case, 175 liters of spirit has been recovered from newly constructed house of the petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner. Chargesheet has already been submitted in this case. Petitioner has got no criminal antecedent and he is in custody since 19.08.2020. There is no allegation of tampering with the



evidence.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 132/2020, subject to following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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