

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.389 of 2021

Arising Out of PS. Case No.-228 Year-2019 Thana- PIYAR District- Muzaffarpur

Shukhdeo Rai @ Sukadev Ray, son of Late Maheshwar Rai, Resident of
Village- Hatha, P.S. - Piar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Piar
(Hatha O.P.) P.S. Case No.228 of 2019 registered for the offence
punishable under Sections 272, 273, 120B of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

From an under construction house, 86.400 litres
illicit liquor has allegedly been recovered. The petitioner is said
to be fleeing away from the place.

Counsel for the petitioner submits that having no
prior antecedents, the petitioner is in custody since 15.09.2020.
Even as per the prosecution case, recovery is from an under
construction house having general access to all. It is further



submitted that it is a case of false implication and that there is no compliance of the procedure for seizure.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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, Muzaffarpur, in connection with Piar (Hatha O.P.) P.S. Case No.228 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.



This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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