

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40813 of 2020**

Arising Out of PS. Case No.-239 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Sunil Rai Son of Phuldev Rai Resident of Village - Bhawanidih, P.S.-
Motipur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.A.G.

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

2 26-02-2021 Heard both parties.

The petitioner seeks bail in Motipur P.S. Case No. 239 of 2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act.

1400 litres of spirit has been recovered from a pick-up van and motorcycle. Name of this petitioner has surfaced in this case during course of investigation.

It is submitted that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioner. Petitioner is neither the owner nor the driver of the said pick-up van and motorcycle. petitioner has no concern with the recovered spirit. Petitioner has got clean antecedent and is in custody since 13.10.2020.



Considering the facts and circumstances of the case, 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. 239 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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