

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5942 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- ATHMALGOLA District- Patna

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VIJAY RAY SON OF DEVENDRA RAY NAYA TOLA SABNIMA, P.S.
ATHMALGOLA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Jay Ram Prasad, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-06-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Special Case No 5845 of
2020 arising out of Athmalgola Police Station (for brevity, *PS*)
Case No 241 of 2020 instituted for the offence punishable under
Sections 30 (a)/30 (d) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

On some tip off, the police had gone to the Ramnagar
West Diyara from where 274 liters of country made illicit liquor
has been recovered. Persons are said to have fled away on a
boat.



Petitioner's counsel submits that three days after the recovery, on alleged identification of some local persons and the *Chaukidar*, the petitioner was taken into custody on 07.10.2020. He bears no criminal antecedent and even, as per prosecution case, he was not present at the time of recovery of alleged country made wine.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Special Case No 5845 of 2020 arising out of Athmalgola PS Case No 241 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.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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