

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5050 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Mantun Rai Son of Late Sifat Rai Resident of Village-Damodarpur,P.S-
Bibhutipur, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-04-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Khodabandpur P.S. Case No. 173 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

During course of checking of vehicles, one Scorpio, bearing registration no. BR33M-0651, was intercepted and on search, 362.880 liters of foreign liquor was recovered and petitioner has been made accused in this case, since the vehicle in question was registered in his name.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Petitioner was not arrested on the spot and he has been made accused only due to the fact that he is owner of the vehicle in question. Petitioner claims clean antecedent and he is in custody



since 03.10.2020.

Considering the aforesaid facts & circumstances and the fact that nothing has been recovered from conscious possession of petitioner coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Additional Sessions Judge 2nd cum Special Judge Excise, Begusarai in connection with Khodabandpur P.S. Case No. 173 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers 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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