

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5734 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- SITAMARHI District- Sitamarhi

Pushp Raj @ Pushp Raj Sona Son of Mritunjaya Singh, Village- Lagma, P.S.
Dumra, District- Sitamarhi. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 In view of sudden surge of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Sitamarhi P.S. Case No. 419 of 2020 registered for the offence punishable under section 414/34 of the Indian Penal Code and sections 30(a)/36 of the Bihar Prohibition and Excise Act, 2016.

123.045 litres illicit liquor has been recovered from a vehicle near the house of one Manoranjan Prasad. Some persons were sitting on the motor cycle and one person was sitting in the vehicle. On seeing the police, they all fled and have been apprehended thereafter.



Learned counsel submits that the petitioner has no concern with the alleged recovery. Recovery is not in accordance with law and the petitioner's implication is on extraneous consideration. Petitioner is in custody since 12.08.2020 and has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd A.D.J.-cum-Special Judge, Excise Act, Sitamarhi in Sitamarhi P.S. Case No. 419 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 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.

(Madhuresh Prasad, J)

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