

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5698 of 2021**

Arising Out of PS. Case No.-357 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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UMESH RAI S/o Late Nathuni Ray Resident of Vill.- Aswari Banjariya, P.S.-  
Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar 1, APP

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      13-04-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections Sections 30(a), 41(1)(2) of the Bihar Prohibition & Excise Act, 2018.

Allegation is recovery of 820.8 litres foreign liquor and 175 litres spirit from a Bathan, however, accused persons managed to flee away after seeing the police party.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that nothing was recovered from the conscious possession of the petitioner rather the illicit liquor and spirit were recovered from the Bathan of co-accused Tuntan Rai and he has nothing to do either with recovered illicit liquor or



spirit. Petitioner has no criminal antecedent and he is in custody since 17.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Motipur P.S. Case No.357 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

**(S. Kumar, J)**

Sanjay/-

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