

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9004 of 2021

Arising Out of PS. Case No.-508 Year-2020 Thana- KUDHNI District- Muzaffarpur

Kapildeo Nirala @ Kapil Dev Nirala @ Kali Sahni Son of Jamir Lal Sahani,
resident of village- Charkoriya, P.S.-Kudhani (TURKI O.P.) District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Shankar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021 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 Kudhani (Turki O.P.) P.S. Case
No.508 of 2020 registered for offence punishable under section 30
(a) of the Bihar Prohibition and Excise Act.

From the hut of co-accused Dashrath Sahani 124.560 litres
country made liquor has been recovered. The same was allegedly



kept by the petitioner.

Learned counsel for the petitioner submits that even as per the FIR the petitioner has not been arrested at the time and place of recovery, he has no criminal antecedent and he is in custody since 05.10.2020 only on suspicion raised by spy.

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 learned Special Judge, Excise Act, Muzaffarpur in Kudhani (Turki O.P.) P.S. Case No. 508 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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