

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9133 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Baleshwar Rai Son of Bhikhar Rai, Resident of Village- Aswari Banjariya,
P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2021 In view of sudden resurgence 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 Kathaiya P.S. Case No.202 of
2019 registered for offence punishable under sections 272,
273/34 of the Indian Penal Code and section 30 (a) of the Bihar
Prohibition and Excise Act, 2018.

It is alleged that the petitioner as well as other co-



accused have received a heavy consignment of illicit liquor.

The allegation is regarding recovery of 308 litres spirit from the Banana orchard and 503.985 litres illicit liquor from the hut of co-accused Chintu Rai.

The petitioner has falsely been implicated in this case as per submission of petitioner's counsel. The petitioner has one criminal antecedent, there is no recovery from the petitioner and he is in custody since 19.10.2020.

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, Muzaffarpur in Kathaiya P.S. Case No.202 of 2019, 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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