

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9026 of 2021

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

CHINTU RAI Son Of BACHHANATH RAI Resident Of Village - Patti
Aswari P. S. - Kathaiya, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

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 PS Case No. 202 of 2019 registered under Sections 272, 273/34 of the IPC and Sections 30(a) of Bihar Prohibition and Excise Act, 2016 .

From the banana orchard behind petitioner's hut there is recovery of 308 liters spirit and 430.985 liters illicit foreign liquor.

Learned Counsel for the petitioner submits that even as per prosecution case recovery is from an open place having general public access for which criminal liability cannot be fastened upon the petitioner. There is only one criminal antecedent against the petitioner. In the present case he is behind the bars since 11.11.2020. Recovery is not in accordance with law.

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 Special Judge, Excise, Muzaffarpur in Kathaiya PS 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 giving 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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