

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9690 of 2021**

Arising Out of PS. Case No.-414 Year-2020 Thana- CHAPRA TOWN District- Saran

Bittu Rai @ Bittu Kumar S/O Sidheshwar Rai R/O- Vill- Rauja Purvi, P.S-
Chapra (TOWN), District- Saran At Chapra (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-05-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Chapra (Town) P.S. Case
No. 414 of 2020, registered for the offence punishable
punishable under Section 30(a)/41(i)(ii) of the Bihar Prohibition
and Excise Act, 2018.

On secret information that illicit liquor was being
unloaded from a vehicle, raid was conducted and upon search of
one container standing near the Garrage, 881.98 litres of illicit
liquor was recovered and co-accused Dilip Mahto was
apprehended on the spot and from a pick-up van 639 litres of



foreign liquor was recovered which was standing near the Baithaka of co-accused Sidheshwar Rai.

It is submitted that nothing has been recovered from conscious possession of this petitioner. Petitioner is neither the owner nor the driver of vehicle in question. Petitioner is not apprehend on the spot. Co-accused Dilip Mahto has been granted bail by this Hon'ble Court vide order dated 11.11.2020 passed in Cr. Misc. No. 29089 of 2020. Petitioner is in custody since 30.11.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the fact that nothing has been recovered from conscious possession of the petitioner and bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge-cum-Special Judge Excise, Saran at Chapra in connection with Chapra Town P.S. Case No. 414 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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