

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9693 of 2021

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

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UMESH RAY S/O LATE NATHUNI RAI RESIDENT OF VILLAGE
ASWARI BANJARIYA, P.S.- KATHAIYA, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.A.G.

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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 Kathaiya P.S. Case No.
202 of 2019, registered for the offence punishable punishable
under Sections 272, 273/34 of the Indian Penal Code and
section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, 308 litres of spirit and
530.985 litres of foreign liquor have been recovered from the
house of co-accused Chintu Rai. Petitioner is alleged to be one
of his associates.

It is submitted that petitioner has falsely been



implicated in this case. Nothing has been recovered from conscious possession of this petitioner. Petitioner is in custody since 17.09.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, 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 Special Judge Excise, Muzaffarpur in connection with Kathaiya P.S. Case No. 202 of 2019, 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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