

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9700 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- HATHAURI District- Muzaffarpur

DEO LAL RAI SON OF NAND KISHORE RAI RESIDENT OF VILLAGE-
SHAHPUR, P.S.- HATHOURI, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh

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

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 Hathouri P.S. Case No.

183 of 2020, registered for the offence punishable punishable

under Section 30(a), 35, 36, 38(i)(ii) of the Bihar Prohibition

and Excise Act, 2016.

771.120 litres of illicit liquor has been recovered from

the house of this petitioner.

It is submitted that petitioner has falsely been

implicated in this case. Nothing has been recovered from

conscious possession of this petitioner. The provision of section

100 Cr.P.C has not been followed. Petitioner is in custody since



07.10.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the fact that petitioner has got clean antecedent and nothing has been recovered from his conscious possession, 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 Hathouri P.S. Case No. 183 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)

vinita/-

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