

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8961 of 2021**

Arising Out of PS. Case No.-37 Year-2020 Thana- KATHAIYA District- Muzaffarpur

Chintu Ray @ Sanjeet Kumar Ray, Son of Bachcha Nath Ray, Resident of
Village- Patti Aswari, 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. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 05-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Kathaiya
P.S. Case No.37 of 2020 registered for the offence punishable
under Sections 188, 269, 290, 272, 273 of the I.P.C. and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

1377 litres foreign liquor has been recovered from
the “*Bathan*” of the petitioner. Petitioner’s name has been stated



by co-accused Baccha Nath Rai, though the petitioner was not present at the time and place of recovery.

It is submitted by the petitioner's counsel that the petitioner's implication is false and based on extraneous considerations. Co-accused Baccha Nath Rai has been allowed bail in Cr.Misc. No.22821 of 2020, vide order dated 11.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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.37 of 2020, 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.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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