

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10952 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- SARAIYA District- Muzaffarpur

Sanjay Patel @ Sanjay Kumar, son of Lakshmi Patel, R/O Village-Kazi Basra,
P.S.- Saraiya, Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Bela Singh, Advocate
For the State	:	Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-05-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

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.

The matter has been listed from the consolidated list on mentioning being made by the petitioner's counsel that the petitioner's father has died on 22.05.2021 and the petitioner is the only son for performing the last rites of the deceased. On account of such motion being made, the matter has been taken up for urgent consideration, but on merits.

Heard learned counsel for the petitioner and the



learned APP for the State.

The petitioner seeks bail in connection with Saraiya (Jaitpur O.P.) P.S. Case No.151 of 2020 instituted for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

62 litres illicit liquor has allegedly been recovered from behind the hut of one Arun Singh covered with *Samiyana* (tent). Police had proceeded to the place on information that the petitioner and co-accused have stored the liquor there.

It is submitted by the petitioner's counsel that even as per the F.I.R., recovery is from an open place having general public access, for which the petitioner cannot be held liable. The petitioner has not been arrested from the place of recovery and has no criminal antecedents. He is in custody since 10.10.2020. Petitioner has no concern with the recovered substance and has been falsely implicated.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner has been named as one of the persons who stored the liquor in question.

Considering the rival submissions, this Court is inclined to allow 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 court of learned Special Judge, Excise, Muzaffarpur, in connection with Saraiya P.S. Case No.151 of 2020, subject to the following conditions:

(i) That one of the bailors of the petitioner 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 bonds will be liable to be cancelled.

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

(Madhuresh Prasad, J)

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