

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65058 of 2021**

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

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UMESH KUMAR @ UMESH RAUT S/o Ruplal Raut R/o Village -
Muhchatti @ Lagma Muhchatti, P.S. - Dumra, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr Nityanand, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Runnisaidpur Police
Station (for brevity, PS) Case No 491 of 2020 registered for the
offence punishable under Section 414 of Indian Penal Code and
Sections 30 (a), 38 (i) (ii), 41 of Bihar Prohibition and Excise
Act, 2016.

There is alleged recovery of 2962.710 liters illicit
liquor from Bolero pick up van, Sumo Victa vehicle, Maruti
Swift car, one motorcycle and the house of co-accused Manoj
Prasad. The petitioner's implication is based on statement of
co-accused Ujjwal Kumar Singh, who has named the petitioner



as an accomplice in illicit trade of liquor.

Petitioner's counsel submits that even as per prosecution case, no recovery is attributed to the petitioner. His implication is based on the basis of his criminal antecedents in four cases of similar nature, pending against him since before, as per disclosure made in paragraph 3 of the petition. The petitioner is in custody since 02.09.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that in the present case, no recovery is attributed to the petitioner and his implication is based on statement of co-accused, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Sitamarhi in Runnisaipur PS Case No 491 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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