

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65183 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- MOTIPUR District- Muzaffarpur

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FIROZ RAI @ VIKASH RAI S/O SHIV KUMAR RAI R/o village- Purani
Bazar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Raju Kumar, 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 Motipur Police Station
(for brevity, *PS*) Case No 140 of 2021 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

On receiving information regarding illicit liquor sale
being carried out by the petitioner and one another co-accused,
police has reached the place to verify the same. Allegation is
that the petitioner and the co-accused have fled away and
33.120 liters illicit liquor has been recovered from the bushes.

Learned counsel for the petitioner submits that the



recovery is from open space having general public access. There is no basis for petitioner's identification as being one who fled away. Petitioner has no criminal antecedent. He is in custody since 26.09.2021 and investigation is complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, fair antecedent and the fact that recovery is from an open place, 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 Special Judge, Excise, Muzaffarpur in Motipur PS Case No 140 of 2021 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)

M.E.H./-

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