

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61844 of 2022**

Arising Out of PS. Case No.-194 Year-2021 Thana- DUMRA District- Sitamarhi

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VIMLESH RAI @ VIMLESH KUMAR Son of Suresh Rai @ Suresh Roy
Resident of Village - Dhobauli, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr Rajesh Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Dumra Police Station (for
brevity, **PS**) Case No 194 of 2021 dated 02.06.2021, registered
for the offence punishable under Sections 30 (a), 36, 41 (i) of
Bihar Prohibition and Excise Act.

Co-accused Chandan Kumar, who has been arrested
in the course of recovery made from four vehicles, has stated
that petitioner is one of the associates in the illicit trade of
liquor.

Learned counsel for the petitioner submits that the
petitioner, even as per prosecution case, was not arrested at the



place of recovery. There is no recovery of any illicit liquor from his possession. On statement of co-accused and due to his antecedents, he has been made an accused in the instant case. He is stated to be in custody since 30.03.2022. Chandan Kumar, who disclosed the name of the petitioner, has already been granted bail by this Court by order dated 17.12.2021 passed in Cr Misc No 48653 of 2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is 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 Exclusive Special Excise Court I, Sitamarhi in Dumra PS Case No 194 of 2021 dated 02.06.2021 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.

(Madhuresh Prasad, J)

M.E.H./-

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