

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64405 of 2022

Arising Out of PS. Case No.-464 Year-2021 Thana- PATORI District- Samastipur

Nunu Rai, aged about 27 years, Gender-Male, S/O Ram Shikil Rai @ Ram Pravesh Rai R/O Village- Dakhini Dumari, P.S- Patori (Mohanpur O.P) District- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-02-2023 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Patori (Mohanpur O.P.) P.S. Case No. 464 of 2021 registered for the offence punishable under Section 272, 273 of the Indian Penal Code (for brevity 'I.P.C.') and 30(a) of Bihar Prohibition and Excise Act.

From the 'riverine area', there is alleged recovery of 150 litres (one hundred fifty litres) of illicit liquor stored in the gallon.

Learned counsel for the petitioner submits that recovery is not from his possession. His implication is based on suspicion and due to his criminal antecedents in Mohiuddin Nagar P.S. Case No. 206 of 2021. It is submitted that investigation is complete. Petitioner is stated to be in custody since 23.08.2022.

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

Considering the rival submissions, recovery being from an open



place, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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-2, Samastipur, in connection with Patori (Mohanpur O.P.) P.S. Case No. 464 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.

(Madhuresh Prasad, J)

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