

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36706 of 2017**

Arising Out of PS.Case No. -198 Year- 2017 Thana -NANHPUR District- SITAMARHI

=====

1. Devendra Rai Son of Late Jagrup Rai, R/o Mohini, P.S.- Nanpur,  
District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Murli Dhar

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      24-08-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
01.07.2017 in connection with Nanpur P.S. Case No. 198 of 2017  
for offences punishable under Sections 272, 273 of the Indian  
Penal Code and Sections 30(A), 41 of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, as lodged by the police  
personnel, is that on secret information that the petitioner has kept  
illegal liquor in his banana orchard the house of the petitioner was  
raided. Petitioner was not found but from the banana orchard  
under the soil 25.095 litres of foreign liquor kept in plastic bags



was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, nothing has been recovered from his conscious possession and the banana orchard was a disputed property between the petitioner and one Jai Narayan Rai and Triveni Rai @ Birendra Rai and Jai Kishore Rai and the said illicit liquor must have been implanted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Addl. Sessions Judge cum Special Judge (Excise Act), Sitamarhi, in connection with Nanpur P.S. Case No. 198 of 2017.

**(Nilu Agrawal, J)**

Rajesh/-

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