

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.80975 of 2019**

Arising Out of PS. Case No.-77 Year-2019 Thana- MOTIPUR District- Muzaffarpur

BHOLA RAI, aged about 46 years (Male), Son of Late Basudeo Rai, Resident  
of Village - Motipur (Mahna Road), P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Satyendra Narayan Singh, Advocate.  
For the Opposite Party : Mr.Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER**

2      10-12-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks bail in a case for the offence  
registered under Sections 30(a), 38(1)(2), 41(1)(2) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 443.160  
liters wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioner that the petitioner is in custody since 03.08.2019.  
Charge sheet has been submitted in the present case. There is no  
allegation of tampering with the witnesses alleged against the  
petitioner. The petitioner has been made accused in the present  
case due to mistake of fact. It is alleged that total 443.160 liters  
wine is recovered from co-accused Munna Singh. Nothing



incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 77 of 2019.

**(Sudhir Singh, J)**

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

