

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26537 of 2020

Arising Out of PS. Case No.-1033 Year-2018 Thana- MOTIPUR District- Muzaffarpur

DEVANAND RAI S/o- Bhuneshwar Rai Resident of Village- Harpur Junaida,
P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Opposite Party/s : Mr. Khursid Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-11-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

The petitioner seeks regular bail in connection with
Motipur Police Station Case No. 1033 of 2018, registered for
the offences punishable under Sections 272/273 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation, as per the First Information Report, is
that the police, on the basis of information that one Shashi Raut
had stored illicit liquor in his hut with the help of the petitioner
and other co-accused persons, proceeded towards the place of
occurrence and recovered a total quantity of 151 litres of illicit
liquor from the hut of Shashi Raut.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of secret information allegedly received by the police. He further submits that the illicit liquor has been recovered from the hut of co-accused Shashi Raut and no illicit liquor has been recovered either from the conscious possession of the petitioner or the premises belonging to him. He further submits that similarly situated co-accused person, namely, Raj Kumar Rai, has been granted bail by this Court, vide order passed in Criminal Misc. No. 26530 of 2019. He next submits that the petitioner is in custody since 30.05.2020.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise, Muzaffarpur, in connection with
Motipur Police Station Case No. 1033 of 2018.

It is further made clear that at the time of furnishing
bail bonds, all the parties shall follow the guidelines regarding
social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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