

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31252 of 2020

Arising Out of PS. Case No.-609 Year-2020 Thana- MADHAURAH District- Saran

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SHAIENDRA RAI, aged about 37 years, Gender-Male, S/o Jai Narayan Rai
@ Jai Nath Rai, Resident of Village-Takina, P.S.-Ekma, District-Saran at
Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Dewendra Narayan Singh, Advocate.
For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

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 and 30(a) of the Bihar Prohibition



and Excise Act, 2016.

The prosecution story, in brief, is that total 135 liters spirit is said to have been recovered from the pond.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 22.08.2020 and has got no criminal antecedent. 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 falsely been implicated in the present case. It is alleged that total 135 liters spirit is recovered from the pond. The petitioner has got no concern with the alleged incident. The petitioner had no knowledge regarding the alleged incident. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned 2nd Additional Sessions Judge-cum-Special Judge,
Excise, Saran at Chapra, in connection with Marhowrah P. S.
Case No. 609 of 2020.

(Sudhir Singh, J)

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