

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33566 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Kanhai Rai, age about 41 years, Male, Son of Parmeshwar Rai, resident of
village Madhopur Susta, P.S. Maniyari, District Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Arun Kumar, Advocate.
For the Opposite Party : Mr. Dr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 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
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 571.980



liters wine is said to have been recovered from *Bamboo clump* (*Banswari*) of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 26.06.2020. The petitioner has got no criminal antecedent. Charge sheet/prosecution report 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 571.980 liters wine is recovered from the *Bamboo Clump* (*Banswari*) of the petitioner. The said *Bamboo Clump* (*Banswari*) does not belong to the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from conscious possession of the petitioner. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./Complaint case.

Considering the aforesaid 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 Only) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise Act,
Muzaffarpur, in connection with Excise P.S. Case No. 18/2019
(P.R. No. 24/2019).

(Sudhir Singh, J)

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