

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29514 of 2021

Arising Out of PS. Case No.-390 Year-2020 Thana- MADHUBAN District- East Champaran

DEVENDRA RAI @ DEVENDRA YADAV, aged about 30 years (M), Son of
Kishundeo Rai @ Krisndeo Rai @ Saheb Rai, Resident of Village- Bajraiya,
P.S.- Madhuban, District - East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate.

For the Opposite Party : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in connection
with Madhuban P.S. Case No. 390 of 2020 for the offence
registered under Sections 272, 273 of the I.P.C. and 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 5.400 liters
wine is recovered from the car and husk house belonging to
joint family of the petitioner.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. 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 5.400 liters wine is recovered from the car and husk house belonging to joint family of the petitioner. 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. 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 of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Special Judge, Excise, Motihari, East Champaran, in connection with Madhuban P.S. Case No. 390 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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