

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34902 of 2021

Arising Out of PS. Case No.-121 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Devanand Rai S/O Late Bhuneshwar Rai R/O Village Harpur Juneda Motipur,
P.S-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Kathaiya P.S. Case No.
121 of 2019, registered for the offence punishable punishable
under Sections 272, 273/34 of the Indian Penal Code and
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4763.700 litres of foreign liquor has been recovered
from a truck and this petitioner is alleged to be one of the person
who fled away after noticing the police party.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Name of petitioner has
come on the basis of confessional statement of co-accused.
Petitioner is neither the owner nor the driver of truck in



question. Petitioner is in custody since 06.03.2021.
Investigation is complete.

Considering the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Muzaffarpur in connection with Kathaiya P.S. Case No. 121 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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