

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31441 of 2020**

Arising Out of PS. Case No.-231 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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NARESH RAI @ RAMNARESH YADAV Son of Dinanath Raj @ Dinanath Prasad Yadav Resident of Village - Katha, P.S.- Mehshi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-02-2021

Re.: I.A. No.1 of 2021

The aforesaid interlocutory application has been filed on behalf of the petitioner for substituting paragraph nos.1, 4, 5, 8, 9 and 11 and also for making correction in prayer portion.

Having heard learned counsel for the petitioner and learned APP for the State, this interlocutory application is allowed and this interlocutory application be treated as part of the main application.

Cr. Misc. No.31441 of 2020

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

Learned counsel for the petitioner undertakes to



remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) & 41 (1) of the Bihar Prohibition and Excise Act, 2016.

450 liters of foreign liquor is said to have been recovered from a Shisham orchard kept under the earth and the petitioner managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India,



New Delhi Main Branch, UPI ID : pmcares@sbi. .

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge Excise, East Champaran at Motihari in connection with Excise Case No. 231 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.15,000.00 (Rupees Fifteen Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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