

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32945 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- MAHINDWARA
District- Sitamarhi

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Chhotu Rai @ Deepak Kumar S/o Late Chandeshwar Rai Resident of
Village-Korlahiya Harinarayan, P.S-Mahindwara, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-01-2021

Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 18.07.2020 in
connection with Mahindwara P.S. Case No. 173 of 2019 for the
offences alleged under Sections 30(a), (b), (c), (f), 41 of the Bihar
Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 223.2 litres of illegal
liquor. It is submitted that such recovery has been made from the
haystack of Vijay Rai who has not even been made accused. The



petitioner's name has transpired merely on the statement of unnamed persons in the crowd. No recovery has been made from the conscious possession of the petitioner. He has already suffered more than five months in custody, and claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 18.07.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi, in connection with Mahindwara P.S. Case No. 173 of 2019, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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