

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44654 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

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DEEPAK RAI, aged about 30 years (Male), Son of Late Kanhai Rai, Resident of Village - Sadah, P.S.- Chapra Muffasil, Dist.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Rajani Kumari, Advocate

For the Opposite Party : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

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

The petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. Case No. 57/21 for the offence registered under Sections 272, 273, 324, 353 of the I.P.C. and 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 809 liters wine is recovered from three different *Bhatties*.



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 total 809 liters wine is recovered from three different *Bhatties*. Out of which, total 224 liters wine is said to have been recovered from the *Bhati* 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise, Saran at Chapra, in connection with Chapra Muffasil
P.S. Case No. 57/21, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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