

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37011 of 2020

Arising Out of PS. Case No.-55 Year-2018 Thana- MADHUBAN District- East Champaran

Devanand Rai Son of Late Bhuwaneshwar Rai Resident of village- Harpur
Junaida, Bangrapatti, Police Station- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate

Mr.Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-02-2021 Heard both sides.

The petitioner seeks bail in Madhuban P.S. Case No.55 of 2018(G.R. No.1711/2018) registered under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act.

The informant, police official, on secret information went to raid and found a truck was parked near bamboo bush situated at Mai Asthan. Six persons namely, Brajesh Rai, Chaman Mian, Pritam Manjhi, Sujit Kumar, Dinesh Ram and Mirchai Lal Rai who were riding on three motorcycles fled away after seeing the police. The truck bearing registration No.UK17CA-0179 was searched and 5305 litres of foreign liquor was recovered.

The learned counsel for the petitioner submits that



petitioner was not seen in the vicinity of the truck. The police identified six persons who managed to flee away on three motorcycles after seeing the police. One of them namely, Pritam Manjhi disclosed the name of the petitioner in his confessional statement and on such, the petitioner is in custody since 17.07.2020.

It appears that of course the petitioner has got criminal antecedent but in the present case, the petitioner is not named in the F.I.R. The name of the petitioner surfaced in the case in the confessional statement of Pritam Manjhi, one of the named accused but nothing has been recovered from the possession of the petitioner and for that the petitioner is in jail for about six months.

Taking into consideration the facts aforesaid, let the petitioner, above named, 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, East Champaran, Motihari in connection with Madhuban P.S. Case No.55 of 2018(G.R. No.1711/2018).

(Prabhat Kumar Jha, J)

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