

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1315 of 2021

Arising Out of PS. Case No.-151 Year-2018 Thana- RAJEPUR District- East Champaran

Devanand Rai Son of Late Bhuwaneshwar Rai Resident of Village- Harpur
Junaida, Bangra Patti, Police Station- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Adv with Mr. Sanjeet Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-03-2021 Heard learned senior counsel for the petitioner and the
learned APP for the State.

Learned senior counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

The petitioner seeks bail in Rajepur PS Case No. 151 of 2018, instituted for the offence under Sections 414/120 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

2.5 litres illicit liquor has allegedly been recovered from a vehicle. The person seated in the car has stated that the liquor was being carried for his maternal uncle (instant petitioner).

Learned senior counsel for the petitioner submits that his implication is false and even as per prosecution case based on statement of co-accused, which has no evidentiary value.



Admittedly, the petitioner was not present when the recovery was made nor it has been recovered from his possession. His implication is based merely on his antecedent of similar nature and in the circumstances he is stated to be in custody since 17.07.2020

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released 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 Act, Muzaffarpur, in connection with Rajepur PS Case No. 151 of 2018, GR No. 9755 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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