

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37376 of 2020

Arising Out of PS. Case No.-15 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

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DEVANAND RAI Son of Late Bhuwaneshwar Rai Resident of Village-
Harpur Junaida, Bangra Patti, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

Mr. Sanjeet Kumar, Advocate.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2021 Heard Mr. N.K. Agrawal, learned senior counsel
assisted by Mr. Sanjeet Kumar, learned Advocate for the
petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, 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 seeks bail in a case registered for the
offence punishable under Sections 272, 273 & 34 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

2257 liters of foreign liquor is said to have been



recovered from a truck and the petitioner was made accused in this case on the confessional statement of co-accused persons.

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 or the truck in question. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended co-accused persons which has no evidentiary value in the eye of law. Petitioner has been remanded in this case on 17.07.2020 and since then he is languishing in custody.

Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty 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, 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 Dumariaghat P.S. Case No. 15 of 2018,

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.50,000.00 (Rupees Fifty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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