

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57625 of 2021

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

BRAJESH RAI @ BRAJESH KUMAR YADAV, aged about 30 years (M),
Son of Chulhai Ray, Resident of Village - Fazilpur Tetariya, P.S. - Madhuban,
District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-12-2021 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 Madhuban P.S. Case No. 211 of 2021 for the offence
registered under Sections 272, 273, 120(B), 420, 467, 468, 471
of the I.P.C. and Sections 30(a), 36 and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 8812.26
liters wine is recovered from the Truck in question.

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 8812.26 liters wine is recovered from the Truck in question. The Truck in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. 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 Special Judge, Excise, Motihari, East Champaran in



connection with Madhuban P.S. Case No. 211 of 2021, subject
to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Sudhir Singh, J)

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