

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5268 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- GAIGHAT District- Muzaffarpur

LALBABU RAI S/o Late Hirday Rai R/o village- Gagraha, P.S.- Gaighat
(O.P. Benibad), District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-05-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Learned counsel for the petitioner seeks permission to
correct the prayer portion to the effect that Gaighat (Benipad)
P.S. Case No. 49 of 2019 mentioned in the prayer portion be
corrected as Gaighat (O.P. Benipad) P.S. Case No. 54 of 2020.
Hence, the same be treated to be corrected accordingly.

The petitioner is apprehending his arrest in a case
registered under Sections-272 & 273 of the Indian Penal Code
and Section-30(a) of the Bihar Prohibition and Excise Act,
2016.



The prosecution case, in short, is that 401.730 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 401.730 liters wine is recovered from joint house of the petitioner. 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.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Gaighat (O.P. Benibad) P.S. Case No. 54 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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