

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8626 of 2021

Arising Out of PS. Case No.-536 Year-2019 Thana- SAKRA District- Muzaffarpur

CHHOTU RAI @ CHOTU RAI, aged about 32 years, (Male), Son of Lalu Rai @ Lal Bahadur Rai, Resident of Village- Gangapar, P.S.- Tajpur (Waini O.P.) District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 1 of the bail application within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 420, 467, 468, 272, 273 of the I.P.C., 30(a) of the Bihar Prohibition and Excise Act, 2016 and 27 of the Arms Act.



The prosecution story, in brief, is that total 5817.06 liters wine is said to have been recovered from the Truck, Pick-up Van and the Motorcycle in question.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 5817.06 liters wine is recovered from the Truck, Pick-up Van and the Motorcycle in question. None of the vehicles in question belongs 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 and also the lockdown, 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 his personal bond to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 536 of 2019, 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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