

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25858 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- PHULWARIYA District- Gopalganj

BASUDEO RAI S/o Late Brahma Rai Resident of Village- Kandhwaria
Manjhi, P.S.- Phulwaria, District- Gopalganj. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Phulwaria P.S. Case no. 03 of 2021 instituted for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of 17.5 litres
country made illicit liquor from the house of co-accused Ragho
Rai and has taken the name of the petitioner in the present case.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. The alleged recovery has been made from the house of Ragho Rai, who has disclosed the name of the petitioner in the present case, which has no evidentiary value in the eye of law. He has no concern with the alleged recovery.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Phulwaria P.S. Case no. 03 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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