

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22551 of 2022

Arising Out of PS. Case No.-419 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Deonath Rai S/o Late Bhola Rai @ Bhola Yadav R/o village- Kaparsandi,
P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Turkauliya Case No. 419 of 2018 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, total 400 litres of spirit was recovered from the house of the co-accused persons Arun Rai, Rajesh Rai and Ajay Rai and further recovery of 1200 litres of



sprit was made from the field of co-accused Baliram Rai. The name of the petitioner transpired during investigation in the confessional statement of co-accused persons Ajay Rai and Prince Kumar for also being involved in the illicit trade of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his person or possession. The accused persons, who named this petitioner, have been granted bail vide order dated 29.11.2018 passed in Cr. Misc. No. 68291 of 2018 and order dated 22.11.2018 passed in Cr. Misc. No. 67274 of 2018, respectively. Other co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 68985 of 2018, Cr. Misc. No. 8686 of 2019 and Cr. Misc No. 9213 of 2019 vide order dated 12.12.2018, 23.04.2019 and 18.02.2019, respectively. Charge-sheet has been submitted and the petitioner is in custody since 28.12.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing has been recovered from this petitioner, who was not apprehended from



the spot and further considering submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Excise, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 419 of 2018, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Devlal Yadav, brother of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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