

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72446 of 2021

Arising Out of PS. Case No.-286 Year-2021 Thana- NAANPUR District- Sitamarhi

DEVENDRA RAI Son of Late Jagrup Rai Resident of Village- Mohini
Mahua Gachhee, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Nanpur P.S. Case No. 286 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 631.200 liters of illicit liquor was made from a straw hut situated in front of the house of the petitioner and two sons of the petitioner were apprehended from the spot.

Learned counsel for the petitioner submits that the

petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from straw house and the petitioner has no concern with the said straw house. The petitioner has been made accused only on suspicion. The co-accused persons have been granted bail vide order dated 29.06.2021 passed in Cr. Misc. No. 67101 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 02.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that from the petitioner's a straw house situated in front of his house a large quantity of illicit liquor was recovered.

Having regard to the submissions made hereinabove and considering the fact of submission of charge sheet along with period of custody of the petitioner who has not apprehend from the spot, the petitioner above named 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 Additional District and Sessions Judge-II-Cum-Special Judge Excise, Sitamarhi in connection with Nanpur P.S. Case No. 286 of 2021, subject to the conditions

mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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)

Gautam/-

U		T	
---	--	---	--