

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20092 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- BIHPUR District- Bhagalpur

Sanjay Rai, aged about 40 year, M, S/o late Ramanand Rai, R/o - vill Marwa,
P.S.- Jhandapur OP, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-06-2020 Heard Mr. Amresh Kumar Sinha, learned counsel
for the petitioner and Mr. Nawal Kishore Prasad, learned
counsel appearing for the State through video conferencing.

Learned counsel for the petitioner is directed to
remove the defects within eight weeks.

Petitioner seeks regular bail in connection with
Bihpur P.S. Case No. 25 of 2020 registered for the offence
under Section 30(a) / 38 (1) of the Bihar Prohibition &
Excise (Amendment) Act, 2016.

The allegation against the petitioner is that Police
raided an orchard belonging to Sudhir Singh and arrested
one person namely, Raushan Kumar, and subsequently, on
his identification, Police raided the market of Raushan



Kumar and recovered illicit liquor from the said market and in total Police recovered about 432.030 liters of foreign illicit liquor from the two places. The apprehended accused person - Raushan Kumar disclosed the name of the petitioner and others as his associates.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that from perusal of the First Information Report and seizure list it would be evident that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and on the basis of confessional statement made by Raushan Kumar the name of petitioner has transpired in this case and the petitioner is in custody since 28-02-2020. Learned counsel further submits that Raushan Kumar has been granted bail by this court in Cr. Misc. No.- 10426 of 2020.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and the co- accused



Raushan Kumar has been granted bail by this court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner - Sanjay Rai be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge, II, cum Special Judge, (Excise Act), Bhagalpur in connection with Bihpur P.S. Case No. 25 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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