

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21913 of 2020**

Arising Out of PS. Case No.-104 Year-2020 Thana- MINAPUR District- Muzaffarpur

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RAMESHWAR RAI @ RAM ESHWAR RAI S/O Mahesh Rai Resident of
Village - Mahdaiyan Raghapur, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Punam Shrivastava

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-07-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioner undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks of resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioner and Mr. Ram Bilash Rai, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Minapur P.S. Case No. 104 of 2020 for the offence punishable under sections 272/ 273/414 of the Indian Penal Code and



section 30(a)/41(i) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 800 litres spirit and 193.976 litres of illicit English wine from the under construction house of the father of the petitioner and from a vehicle parked in the front of the said house.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 01.05.2020. It is further submitted that neither the said house in question belongs to the petitioner nor any recovery has been made from the conscious possession of the petitioner and the fact is that the petitioner has got nothing to do with the English wine and the spirit which were recovered from the under construction house of the father of the petitioner. It is submitted that similarly situated co-accused person has already been granted the privilege of regular bail vide order dated 18.06.2020 passed in Cr. Misc. No. 19510 of 2020 by a co-ordinate Bench of this Court.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned



counsel for the petitioner and taking into account the fact that the illicit liquor has not been recovered from the house of the petitioner but from the under construction house of the father of the petitioner and from a vehicle not belonging to the petitioner, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for the release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Minapur P.S. Case No. 104 of 2020.

(Mohit Kumar Shah, J)

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