

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20857 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- MUSRIGHRARI District- Samastipur

VISHNU RAY @ VISHNU KUMAR RAY Son of Late Asharfi Ray Resident
of Village - Bakhari Buzurg P.O., Rupauli, P.S.- Musrigharari, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-06-2020 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 from resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioner and Shri Anil Kumar Singh, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Mushrigharai P.S. Case No. 05 of 2020 for the offence



punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 882.2 liters of illicit liquor from a pit situated in the field containing Banana- sisam plantation belonging to one Madan Baitha. It is alleged that the said illicit liquor was brought and kept at the said place by the petitioner and his two companions.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 05.03.2020. It is further submitted that the place from where recovery of illicit liquor has been made does belong to the petitioner, hence, the petitioner has no complicity in the matter.

Per contra, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for 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 conscious possession of the petitioner and the petitioner is having a clean



antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioner, above-named, is directed to be enlarged on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Excise Judge, Samastipur in connection with Musrigharari P.S. Case No. 05 of 2020.

(Mohit Kumar Shah, J)

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