

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21571 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- BENIPATTI District- Madhubani

BARUN RAI Son of Murli Rai Resident of Village - Uchaith, P.S.- Benipatti,
District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 06-07-2020 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.

Heard the learned counsel for the petitioner and Shri Nirmal Kumar Sinha, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with G.R. No. 1011 of 2019 arising out of Benipatti P.S. Case No. 173 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 247.80 litres of illicit liquor and the name of the petitioner has been disclosed by the co-accused person namely Ajay Mahto.

The learned counsel for the petitioner has submitted that



the petitioner is innocent and he has been falsely implicated in the present case only on account of his bad antecedent. It is further submitted that the petitioner has not been arrested from the spot, hence it is apparent that no illicit liquor has been recovered from the conscious possession of the petitioner. It is also submitted that the co-accused person, namely Ajay Mahto, on whose confessional statement the name of the petitioner has transpired in the present case, has already been granted privilege of regular bail by a coordinate Bench of this Court vide order dated 30.07.2019 passed in Criminal Misc. No. 47086 of 2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Madhubani in connection with G.R. No. 1011 of 2019 arising out of Benipatti P.S. Case No. 173 of 2019.

(Mohit Kumar Shah, J)

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