

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23769 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. CHHOTAN RAI S/o Rama Rai Resident of Village- Belahi Lachhi, P.S.- Minapur, Distt- Muzaffarpur.
2. Prem Kumar S/o Vindeshwar Ray Resident of Village- Belahi Lachhi, P.S.- Minapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23771 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- MOTIPUR District- Muzaffarpur

DIPAK KUMAR S/o Rambabu Rai Resident of Village-Jagdispur, P.S-Chota Chapra, OP-Tariyani, District-Sheohar, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23769 of 2020)

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 23771 of 2020)

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2020 Heard Mr. Anish Kumar, learned counsel for the

petitioners in both the cases, Mr. Arun Kumar and Mr.

Arbind Kumar Pandey, learned Additional Public

Prosecutors appearing for the State through video

conferencing.



Petitioners seek regular bail in connection with Motipur P.S. Case No. 50 of 2020 registered for the offences punishable under Sections 120(B), 272, 273 of the Indian Penal Code 1860, Sections 25(1-b)A, 26, 35 of the Arms Act, Sections 30(a) and 41(1) (2) of Bihar Prohibition and Excise Act, 2018.

The allegation as per the First Information Report is that one pick up van was intercepted by the Police and 70 litres of illicit spirit has been recovered from the said pick up van. It has further been alleged that one live cartridge and two country made guns have also been recovered from the said pick up van whereas one live cartridge has been recovered from possession of the petitioner Chhotan Rai (in Cr. Misc. 23769 of 2020).

Learned counsel for the petitioners submits that the petitioners are not the owner of the pick up van and they have falsely been implication in this case. Learned counsel further submits that the petitioners have got no criminal antecedents and no incriminating article has been recovered from possession of the petitioner Dipak Kumar of Cr. Misc. No. 23771 of 2020. However, only one live cartridge has



been recovered from possession of the petitioner Chhotan Rai. Learned counsel also submits that the petitioners are in custody since 02.03.2020 and the similarly situated co-accused person namely, Murli Kumar @ Murli Manohar Kumar has been granted regular bail by a co-ordinate Bench of this Court vide order dated 08.09.2020 passed in Cr. Misc.23157 of 2020.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that petitioners are in custody since 02.03.2020 having no criminal antecedents and the similar situated co-accused person has been granted regular bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 50 of 2020 subject to the condition that the petitioners will be well represented on each date in



the trial and if they fail to do so on two consecutive dates,
their bail bonds will be liable to be cancelled.

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

(Anil Kumar Sinha, J)

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