

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28917 of 2020**

Arising Out of PS. Case No.-695 Year-2019 Thana- SARAIYA District- Muzaffarpur

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SURAJ KUMAR YADAV @ SURAJ RAI Son of Basudev Rai Resident of
Village- Aswari Bajriya, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Ms. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-11-2020

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.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The petitioners seek regular bail in connection with Saraiya PS case no. 695 of 2019 instituted for the offences punishable under Section 420, 467, 468, 120B, 272, 273/34 of Indian Penal Code and Section 30(a)/38 of Bihar Prohibition and Excise Act, 2018.

The police party is stated to have been checking vehicles and during the course thereof, a pick-up van was intercepted and upon search, 867.6 liters of illicit liquor was recovered, whereupon the petitioner was arrested from the spot.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 16.10.2019. It is further submitted by referring to paragraph no. 10 of the present petition that the petitioner is neither the driver nor the owner of the pick-up van in question and he has been falsely implicated in the present case. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.05.2020, passed in Cr. Misc. no. 4609 of 2020.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties 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 co-ordinate Bench of this Court as also considering the period of incarceration of the petitioner herein, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise Act, Muzaffarpur in connection
with Saraiya PS case no. 695 of 2019.

(Mohit Kumar Shah, J)

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