

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29838 of 2020

Arising Out of PS. Case No.-401 Year-2018 Thana- MINAPUR District- Muzaffarpur

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VIMLESH RAY @ VIMLESH KUMAR, (Male), aged about 32 years, S/o Nandlal Ray, Resident of Village- Maksudpur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sanjay Kumar @ S.K., Advocate.
For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 30(a), 38, 41 and 47 of the Bihar



Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1352.160 liters wine is said to have been recovered from the house of the co-accused Ajay Rai.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 27.06.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 1352.160 liters wine is recovered from the house of co-accused Ajay Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Special Judge, Excise Act, Muzaffarpur, in connection with
Minapur P.S. Case No. 401 of 2018.

(Sudhir Singh, J)

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