

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30297 of 2020

Arising Out of PS. Case No.-968 Year-2018 Thana- MOTIPUR District- Muzaffarpur

KRISHNA KUMAR Son of Roopnandan Rai Resident of Village- Sadhna
(Sadhna) Damber, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ram Sevak Chaudhary, the learned APP for the State.

The petitioner seeks regular bail in connection with Motipur P.S. Case No. 968 of 2018, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act.



The allegation is regarding the police force, upon receiving secret information, having raided the ice factory of co-accused person, namely, Roop Nandan Rai and upon search, 1535.760 liters of illicit liquor was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 24.06.2020. It is further submitted that the petitioner has got no role to play in the alleged incident inasmuch as no recovery has been made either from his factory or from his house. It is further stated that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 04.07.2019 passed in Criminal Miscellaneous No. 41379 of 2019.

Per contra, the learned APP 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 as also considering the fact that no recovery of illicit liquor has been made from the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 968 of 2018.

(Mohit Kumar Shah, J)

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