

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35376 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SUJIT KUMAR S/o Mishri Lal Rai R/o village- Sadhadambar (Near Water Tank), 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. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2020 Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Prem Kumar Jha, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Motipur PS Case No. 109/2019 registered for the offence punishable under Sections 30(a)/38(i) (ii), 41(1) of Bihar Prohibition & Excise Act 2016.

3. The allegation, as per First Information Report, is that the police on the basis of confidential report that co-accused, Amresh Kumar with the help of his brother has kept illicit liquor in the house, conducted raid in the said house and recovered total quantity of 36 litres of foreign liquor from the same and the petitioner, who is brother of Amresh Kumar, succeeded in fleeing away. It is further alleged that a Tata Magic vehicle was standing near the house of accused persons from



where 36 litres of foreign liquor has been recovered.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has got no criminal antecedents. Learned counsel further submits that joint family house of the petitioner was raided in which his other family members including his brothers reside and on the basis of recovery of illicit liquor from the house of co-accused, Amresh Kumar, all the four brothers have been implicated in this case by the police.

5. Learned counsel for the petitioner further submits that the co-accused persons, namely, Kamlesh Rai, Amresh Kumar and Rajesh Kumar who are brothers of the petitioner, have been granted bail by this Court in Cr. Misc. Nos. 30772/2019 and Cr. Misc. No. 13107/2020 respectively. It is further submitted that petitioner is in custody since 03.07.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, SUJIT KUMAR 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 Special Judge, Excise Act, Muzaffarpur in connection with Motipur PS Case No. 109/2019.

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

(Anil Kumar Sinha, J)

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