

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83866 of 2019

Arising Out of PS. Case No.-727 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

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VINAY KUMAR RAI @ VINAY KUMAR RAY Son of Harikant Ray,
Resident of Village - Hetanpur Dhamaun, P.S.- Patori, Distt - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 12-05-2020 Heard Mr. Ashok Kumar Mishra, learned counsel

appearing on behalf of the petitioner Vinay Kumar Rai and Mr.

B.N. Pandey, learned A.P.P.

Petitioner seeks bail in Ahiyapur P.S. Case No.727 of
2017 registered under sections 25(1-b)a, 25(1-AA), 25(1-AAA),
26(ii), 35 of the Arms Act, under Section 8 and 20 (b)(ii)(B) of
the N.D.P.S. Act and under Section 30(a) of the Bihar
Prohibition and Excise Act.

The prosecution case, in brief, is that seven persons
were travelling in a Scorpio vehicle and they were intercepted.
On search, loaded country made pistol and live cartridges were
recovered from all the accused persons including the petitioner.
From possession of the petitioner, one loaded country made
pistol and two live cartridges were recovered. On search of the



vehicle, 21.3 kg ganja and 9 litres Indian made foreign liquor were recovered.

Mr. Ashok Kumar Mishra, learned counsel appearing on behalf of the petitioner submits that the prayer for bail of the petitioner was earlier thrice rejected by Hon'ble Mr. Justice Rakesh Kumar. Last time the prayer for bail of the petitioner was rejected on 21.08.2019. It is further submitted that all other six accused persons, namely, Raju Kumar, Raj Kumar Rai, Deepak Kumar and three other accused persons were granted bail by different benches of this Court vide order passed in Cr.Misc.No.69221 of 2018, Cr.Misc.No.72441 of 2018 and Cr.Misc.No.13395 of 2019 and other three accused persons were granted bail by Hon'ble Mr. Justice Sudhir Singh in Cr.Misc.No.48336 of 2018 and others. The case of the petitioner stands on the same footing as ganja and liquor were recovered from common possession of all accused persons including the petitioner. The petitioner is in jail since 10.09.2017. The petitioner has already remained in jail for about two years and eight months. The report was called for from the court below and the report has been received.

It appears that the petitioner was apprehended along with six other accused persons and from their common



possession, 21.3 kg ganja and 9 litres Indian made foreign liquor were recovered. Similarly situated other accused persons as aforesaid have already been granted bail. The trial is not likely to be concluded in near future as only one prosecution witness has been examined.

Considering the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No.727 of 2017, subject to the condition that one of the bailors shall be the father or the brother of the petitioner having substantial immovable property and if the petitioner does not cooperate with an intention to cause delay of the trial, the trial court shall be at liberty to cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J)

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