

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79776 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- MANJHI District- Saran

Ali Raja S/o Mustkeen Sai R/o village- Jalalpur, P.S.- Daraunda, District- Siwan

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 28-05-2020 Heard Mr. Bishwajeet Singh, learned counsel for the petitioner and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor for the State via video conferencing.

2. The petitioner seeks bail in connection with Manjhi P.S. Case No. 336 of 2019 registered under Sections 30, 30(a), 38(i) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel appearing for the petitioner submitted that the alleged recovery of liquor was from an oil tanker. The petitioner is not connected in any manner with the said tanker. He was found travelling in a Wagon R vehicle and was arrested merely on suspicion along with other co-passengers. He contended that having no criminal antecedent, the petitioner is in custody since 02.11.2019 without there being any concrete evidence regarding his involvement in



transporting the seized liquor. He further contended that similarly circumstanced co-accused, namely, Dinesh Kumar, Nitesh Singh @ Nitesh Kumar Singh, Rohit Kumar Singh and Kamlesh Kumar @ Kamlesh Kumar Sah have been granted bail by different orders passed by different Benches of this Court vide Criminal Miscellaneous Nos. 1323 of 2020, 82822 of 2019, 78109 of 2019 and 84952 of 2019, respectively.

4. Per contra, learned counsel appearing for the State submitted that the petitioner along with three others were escorting a liquor loaded tanker for being delivered to another co-accused person. He contended that the recovery of about 1425 liters illicit liquor from the oil tanker would disentitle the petitioner from grant of bail at this stage.

5. On query, as to whether the case of the petitioner stands on identical footing to that of other co-accused persons, who have been granted bail by this Court, he contended that though orders granting bail having not been annexed to the bail application, the case of Nitesh Singh @ Nitesh Kumar Singh, Rohit Kumar Singh and Kamlesh Kumar @ Kamlesh Kumar Sah stands on identical footing to that of the petitioner.

6. Regard being had to the submissions made at the bar and the facts and circumstances of the case, the petitioner is



directed to be released on bail on furnishing bail bond of Rs.25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Saran in connection with Manjhi P.S. Case No. 336 of 2019, subject to the condition that both the bailors should be close relatives of the petitioner.

(Ashwani Kumar Singh, J)

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