

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14198 of 2021

Arising Out of PS. Case No.-399 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

MURARI RAI S/O DHARKHAN RAY R/O VILLAGE-BAGHRI, P.S
RUNNISAIDPUR, DISTRICT SITAMARHI Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Runisaidpur P.S. Case no. 399 of 2020 registered under section 414 of the Indian Penal Code and sections 30(a), 38(i)(ii) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on being stopped for checking, it is stated that the driver of the truck managed to escape. A total of 501.990 litres of liquor was recovered and khalasi of the truck was taken into custody. He disclosed the name of the driver who had managed to escape as the petitioner herein.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his persons or



possession. He has been falsely implicated in the case. There is no material against him except for the confessional statement of a co-accused made before police. The petitioner has no concern with the said truck. The petitioner is in custody since 20.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not arrested at the spot, he has no criminal antecedent and has remained in custody for over 8 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Runisaidpur P.S. Case no. 399 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi.

(Partha Sarthy, J)

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