

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31874 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- SARAIYA District- Muzaffarpur

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DIPAK KUMAR S/O RAM EKBAL RAY R/o village- Gobindpur, P.S.-
Saraiya (Jaitpur O.P.), District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-12-2021 Heard Mr. Sanjay Kumar @ S.K., learned counsel for
the petitioner and Mr. Kumar Ranjit Ranjan, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with Saraiya PS
Case No. 72/2020 registered for the offence punishable under
Sections 272, 273/34 of the IPC and Section 30(a) of Bihar
Prohibition & Excise Act, 2016.

The allegation against the petitioner is that the police on
the basis of secret information arrived at the house of the petitioner
and upon search recovered a total quantity of about 195.560 litres of
illicit foreign liquor from the hut situated behind his home.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to village
politics. Learned counsel further submits that from perusal of the
First Information Report as well as seizure list, it would be evident
that illicit liquor has not been recovered from inside the house of the
petitioner but from a hut situated behind the house of the petitioner
which is an open space and is accessible to all and sundry. Learned
counsel further submits that no illicit liquor has been recovered from
his conscious possession or from the house belonging to him.



Learned counsel for the petitioner next submits that similarly situated co-accused, namely, Pappu Kumar has been granted bail by this Court in Cr. Misc. No. 23078/2020. It is also submitted that petitioner is in custody since 05.02.2021.

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 has been granted bail by this Court, no illicit liquor has been recovered from his conscious possession and the petitioner is in custody since 15.02.2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, DIPAK KUMAR be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya PS Case No. 72 of 2020.

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(Anil Kumar Sinha, J)

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