

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32053 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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TUNTUN RAI SON OF LATE MURALI RAY R/O VILLAGE-
MAHAMADPUR BALMI TOLE PURANI BAZAR, P.S.- MOTIPUR,
DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-12-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Motipur P.S. Case No. 43 of 2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act, 2018.



The allegation is regarding recovery of 210.960 liters of illicit foreign liquor and 210 liters of raw spirit from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another criminal case but he is on bail in the said case. The petitioner is stated to languishing in custody since 24.2.2021. The learned counsel for the petitioner has further submitted that a co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.10.2020 passed in Criminal Miscellaneous No. 26206 of 2020. Lastly, it is submitted that neither the petitioner nor his family members were present in the house when the illicit liquor was recovered, hence, the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the co-accused person has already been granted bail by a coordinate Bench of this Court, apart from taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 43 of 2020.

(Mohit Kumar Shah, J)

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