

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32286 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

RATNESH KUMAR Son of Ramjot Ray @ Ramjyoti Ray R/o Village-
Jafrabad Tok, Arazibeshinao Barar, Dist- Vaishali, at present R/o Village-
Rikabganj, Katra Bazar, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rudal Prasad, Adv.

For the Opposite Party/s : Mr.Nityanand Tiwari, APP

=====

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, Mr. Nityanand Tiwari.

The petitioner seeks regular bail in connection with Special Case No. 1637/2021 arising out of P-R Agamkuan P.S. Case No. 295/2021, registered for the offence punishable under Sections 30(a), 32(1), 32(3), 41(1) and



42(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 100 liters of illicit liquor from a tempo in which the petitioner is stated to be a passenger.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 5.3.2021. The learned counsel for the petitioner has further submitted that the petitioner is not the owner of the tempo and he cannot be saddled with the liability of recovery of the illicit liquor in question.

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 petitioner is not the owner of the tempo



from which illicit liquor has been recovered, apart from the fact that the petitioner is languishing in custody since 5.3.2021, 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 Act, Patna in connection with Spl. Case No. 1637/2021 arising out of P-R Agamkuan P.S. Case No. 295/2021.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

