

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35383 of 2021**

Arising Out of PS. Case No.-239 Year-2019 Thana- GAIGHAT District- Muzaffarpur

SUBODH RAY @ SUBODH RAI S/O Shivaji Ray R/O Village - Asia, P.S. -
Gaighat, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 14-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Gaighat P.S. Case No. 239/2019, registered for the offence punishable under Sections 272/273/34 of the Indian Penal Code and Sections 30(a)/38/41 of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 850.10 liters of illicit liquor from two vehicles. The name of the petitioner is stated to have been disclosed by the co-accused persons, who were arrested from the spot, thereafter, the petitioner



is stated to be surrendered before the learned court below.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.2.2021. The learned counsel for the petitioner has further submitted that the vehicles in question do not belong to the petitioner.

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 vehicles in question do not belong to the petitioner and the petitioner is languishing in custody since 24.2.2021, 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, Muzaffarpur, Bihar in connection with Gaighat P.S. Case No. 239/2019.

(Mohit Kumar Shah, J)

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