

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36379 of 2021

Arising Out of PS. Case No.-840 Year-2019 Thana- SARAIYA District- Muzaffarpur

RAJESHWAR RAI @ RAJESH KUMAR @ RAJESH KUMAR YADAV Son
of Late Hira Lal Rai Resident of Village- Basuchak, P.S.- Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

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 A.P.P. for the State.

The petitioner seeks regular bail in connection with
Saraiya P.S. Case No. 840 of 2019 for the offence registered
under Sections 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise act.

The allegation is regarding recovery of illicit liquor
from the open bathan belonging to the petitioner and his brother
namely Manoj Rai.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 01.03.2021. The learned counsel for the
petitioner has further submitted that the house in question is in
joint possession of the petitioner and his brother and the brother



of the petitioner has already been granted bail by a coordinate Bench of this Court vide order dated 05.03.2020 passed in Criminal Misc. No. 9577 of 2020.

Per contra, the learned counsel 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 parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 840 of 2019.

(Mohit Kumar Shah, J)

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