

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36660 of 2021

Arising Out of PS. Case No.-8 Year-2019 Thana- DARIYAPUR District- Saran

UPENDRA RAI @ UPENDRA KUMAR RAI S/o Shiv Charan Rai R/o
Village- Darihara Bhuwal, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, Advocate

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
Dariyapur P.S. Case No. 08 of 2019 for the offence registered
under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 4292 litres of
illicit liquor from a truck and 1.5 litres of illicit liquor from a
motorcycle which was standing near the river bank.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 17.03.2021.
The learned counsel for the petitioner has further submitted that
similarly situated co-accused persons have already been granted



bail by a coordinate Bench of this Court vide order dated 01.02.2019 passed in Criminal Misc. No. 5749 of 2019.

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, Saran at Chapra in connection with Dariyapur P.S. Case No. 08 of 2019.

(Mohit Kumar Shah, J)

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