

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47388 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. ROHIT KUMAR S/o VIJAY PATEL R/o VILLAGE-SUSTA MADHOPUR, P.S-SADAR, DISTRICT- MUZAFFARPUR.
2. RANJIT KUMAR S/o HARIOM MAHTO R/o VILLAGE-SUSTA MADHOPUR, P.S-SADAR, DISTRICT- MUZAFFARPUR.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Kaushal Kishor
For the Opposite Party	:	Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-08-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

Heard Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Kudhani P.S. Case No. 331 of 2020, registered for the offence punishable under Sections 414 and 34 of the Indian Penal Code and Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

The petitioner is in custody since 07.06.2020. Allegedly, huge quantity of Indian Made Foreign liquor



(6709.428 liters) was recovered by the police from a truck. Two persons were apprehended, who were occupying the truck, including this petitioner.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that petitioner has remained in custody for nearly 15 months and no tangible purpose will be served if he is allowed to remain in custody any more. He has further argued that there is no likelihood of commencement of the trial arising out of Kudhani P.S. Case No. 331 of 2020.

Petitioner's prayer for bail was earlier rejected by an order dated 12.10.2020 passed in Cr. Misc. No. 23286 of 2020. The subsequent application filed by the petitioner for regular bail was dismissed as withdrawn by an order dated 28.07.2021 passed in Cr. Misc. No. 20269 of 2021 with a liberty to file a fresh application and accordingly this application has been filed.

Considering the facts that the petitioner is in custody since 12.06.2020 and there is no likelihood of commencement of the trial in near future, this application is allowed.

Let the petitioner, above named, 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 the learned Special Judge, Excise, Muzaffarpur, in Kudhani P.S.



Case No. 331 of 2020.

(Chakradhari Sharan Singh, J)

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