

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38098 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. KAPILDEO RAI S/o Ram Jeevan Rai Resident of Village- Brahmatara, P.S.- Gaighat, Distt- Muzaffarpur
2. Abhay Kumar Yadav Son of Kapildeo Rai Resident of Village- Brahmatara, P.S.- Gaighat, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.
Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2021 Heard Mr. Ranjit Kumar Thakur, learned counsel
for the petitioners and Ms. Rita Verma, Additional Public
Prosecutor for the State.

2. Petitioners seek regular bail in connection with
Gaighat PS Case No. 22/2020 registered for the offence
punishable under Sections 272, 273 of the IPC and Section
30(a) of Bihar Prohibition & Excise Act.

3. The allegation, as per First Information Report, is
that the total quantity of 28.74 litres of illicit liquor has been
recovered from a bush of an open space situated in the field of
the petitioners.

4. Learned counsel for the petitioners submits that the
petitioners have not committed any offence in the manner



alleged and they have falsely been implicated in this case on the basis of the fact that the said illicit liquor has been recovered from a bush situated in the field of the petitioners. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioners inasmuch as the same has been recovered from an open place which is accessible to all and sundry and petitioners no. 1 and 2 are father and son respectively.

5. Learned counsel further submits that petitioners are in custody since 05.09.2020 and 19.08.2020 respectively.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioners inasmuch as the same has been recovered from an open place which is accessible to all and sundry and petitioners are in custody since 05.09.2020 and 19.08.2020 respectively, I am inclined to grant regular bail to the petitioners.

7. Accordingly, let the petitioners, named above, 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 Gaighat PS Case No. 22/2020.

8. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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