

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40918 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- BITHAN BAZAR District- Samastipur

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1. RAM VINAY KUMAR Son of Bhutan Yadav Resident of Village - Telni Bithan, P.S.- Bithan, Dist.- Samastipur
 2. Shambhu Kumar Son of Dharmendar Mahto Resident of Village - Tengraha Bithan, P.S.- Bithan, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 10-02-2021 It is submitted by learned counsel for the petitioners that as instructed, he seeks permission to withdraw this application for bail of petitioner no. 1.

As prayed, the application for bail of petitioner no. 1 stands dismissed as withdrawn.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no. 2 has prayed for grant of regular bail in connection with Bithan P.S. Case no. 56 of 2020 registered under sections 30(a) of the Bihar Prohibition and Excise Act and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per allegation in the FIR, on information having



been received, a raid was conducted and five accused persons including the co-accused Nunu Lal, Charanjeet Kumar and the petitioner herein were caught. On search a loaded country made pistol and a live cartridge were recovered from the possession of the Charanjeet Kumar while a total of 213 litres of liquor was recovered.

It is submitted by learned counsel for the petitioner that the case of the petitioner stands on a similar footing to that of Nunu Lal and Charanjeet Kumar who have been enlarged on bail vide order dated 3.12.2020 passed in Cr. Misc. no. 31975 of 2020. The petitioner is in custody since 31.5.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the grant of bail to co-accused and the petitioner being in custody since 31.5.2020, the Court is inclined to enlarge the petitioner no. 2 on bail. The above named petitioner no. 2 is directed to be enlarged on bail in connection with Bithan P.S. Case no. 56 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Session Judge 2nd-cum Special Judge Excise, Samastipur.

(Partha Sarthy, J)

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