

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50515 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- KALYANPUR District- Samastipur

SUNIL RAY Son of Modi Ray Resident of Village- Jakhara, P.S.- Kalyanpur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-10-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Kalyanpur Police Station Case No. 60 of 2019, registered for the offences punishable under Sections 30(a)/41(i) (ii)/47 of the Bihar Prohibition and Excise Act, 2016.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 16.04.2021, passed in Criminal Misc. No. 7857 of 2021, giving liberty to the petitioner to renew his prayer for bail after five months from the date of the order, if the trial is not concluded.

The allegation, as per the First Information Report, is that the police got secret information that the petitioner, along

with other accused persons, have stored illicit liquor, proceeded towards the place of occurrence and raided the house of the petitioner and upon seeing the police party, 4-5 persons started fleeing away, however, one of them namely, Bittu Kumar was arrested and on the indication of the arrested co-accused, 234 liters of illicit liquor has been recovered from the maize field of the petitioner and his brother.

Learned Counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of the identification made by the Mahal Chowkidar, who disclosed the name of the petitioner and others, who succeeded in fleeing away from the spot. He further submits that on the indication of the arrested co-accused person, 234 liters of illicit liquor has been recovered from maize field of petitioner and his brother. He further submits that the said maize field is an open space, accessible to all and sundry and the same does not belong to the petitioner also.

This Court, vide order, dated 29.09.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, and from perusal of the

same, it appears that out of six chargesheeted witnesses, none has been examined.

After having heard learned Counsel for the parties and taking into consideration the fact that the trial is still at the initial stage, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, after framing of charge, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Kalyanpur Police Station Case No. 60 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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