

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7830 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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BADAL RAI S/O LATE MUSHAFIR RAI R/O VILLAGE BHAWANIDIH,
P.S MOTIPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-04-2021 Heard Mr. Ratneshwar Prasad, learned counsel for the

petitioner and Mr. Sunil Kumar Pandey, learned APP for the

State through video conferencing.

Petitioner seeks regular bail in connection with
Motipur P.S. Case No.239 of 2020 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise
Act.

The allegation as per the First Information Report is
that the police got a secret information that one Sunil Rai along
with his associates has brought the consignment of spirit near
the Morshandi Bandh, proceeded towards the place of
occurrence and upon seeing the police party, 4-5 accused
persons started fleeing away. However, the petitioner was



apprehended by the police and from the pick-up van 1365 liters and from a motorcycle 1344 of spirit were recovered by the police.

Learned counsel for the petitioner submits that petitioner has falsely been implicated by the police with oblique motive and he has no criminal antecedent. Learned counsel further submits that the petitioner is neither owner nor the driver of the pick-up van nor the motorcycle from where illicit liquor has been recovered belongs to him. Learned counsel next submits that co-accused Sunil Rai and Dharmendra Rai have been granted bail by a coordinate Benches of this Court in Cr.Misc.No.40813 of 2020 and Cr.Misc.No.3938 of 2021. Learned counsel next submits that petitioner is in custody since 27.09.2020 and the charge-sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and material available on record and the fact that similarly situated co-accused persons have been granted bail and petitioner is not the owner of the vehicle and petitioner has got no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the above named petitioner 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 Motipur P.S.Case No.239 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

Brajesh Kr./-

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