

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7857 of 2021

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

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SUNIL RAI @ SUNIL RAY Son of Modi Rai Resident of Village - Harpur
Jakhara, P.S. - Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-04-2021 Heard Mr. Satish Kumar Sinha, learned counsel for

the petitioner and Mr. Uday Chand Prasad, learned counsel for

the State through video conferencing.

Petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 60 of 2019 corresponding to G.R. No.
507 of 2019 registered for the offence under Section 30 (a), 41
(i) (ii), 47 of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is
that Police got secret information that 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 petitioner has falsely been implicated in this case on the basis of identification by Mahal Choukidar who disclosed the name of petitioner and others who succeeded in fleeing from the spot and upon indication of the arrested co-accused / Bittu Kumar 234 liters of illicit liquor has been recovered from maize field of petitioner and his brother. Learned counsel further submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case at the behest of Mahal Choukidar with whom he has some dispute. Learned counsel further submits that the field from where illicit liquor has been recovered does not belong to the petitioner and he is in custody since 29.09.2020.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that illicit liquor has been recovered from the maize field of the petitioner and the petitioner has got criminal antecedent of similar nature, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same stands rejected.



However, the petitioner may renew his prayer for regular bail after five months from today if the trial does not conclude.

(Anil Kumar Sinha, J)

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