

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21039 of 2022

Arising Out of PS. Case No.-317 Year-2019 Thana- KUDHNI District- Muzaffarpur

=====

DAMODAR RAI S/o Late Dewaki Rai R/o Village- Maricha, P.S.- Maniyari,
District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

Mr. Rajiv Kumar

For the Opposite Party/s : Mr.Manoj Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-04-2022 Heard the parties.

Petitioner seeks regular bail in connection with Kudhani PS Case No. 317 / 2019 registered under Section 272 , 273 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise Act 2016.

This is 2nd attempt for bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner vide Cr. Misc. No. 35197 / 2021 was dismissed as withdrawn granting liberty to the petitioner to renew his prayer for bail after three months.

The allegation in nutshell is that Police got a secret information that consignment of foreign liquor has been brought



by the petitioner and other accused persons in a truck standing near “*Noon*” river and the liquor was being unloaded from the said truck in three Pick Up Vans and Scorpio proceeded towards the place of occurrence and upon seeing the police party the accused persons succeeded in fleeing away from place of occurrence and a total quantity of 2869.920 liters of illicit liquor was recovered from the truck in question. The name of the petitioner has come in the FIR on the basis of secret information.

Learned counsel for the petitioner submits that petitioner has been made accused on the basis of secret information received by the Police and he was not arrested at the place of occurrence. He next submits that petitioner is neither the owner nor the driver of the truck in question and no illicit liquor has been recovered from the conscious possession or vehicle belonging to him. The petitioner is in custody since 24-02-2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties, taking into consideration the fact that no illicit liquor has been recovered from conscious possession or vehicle belonging to the petitioner, he is in custody since 24/02/2021, charge sheet has already been submitted and this is 2nd attempt



for bail on behalf of the petitioner, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Kudhani PS Case No. 317 of 2019.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

