

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33762 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- AURAI District- Muzaffarpur

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RAMNATH RAI S/O RATNESHWAR RAI R/O VILLAGE-GOVIND
PITAUJHIYA, P.S. MAHINDAWARA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Pushpendra Kumar Singh
For the Opposite Party/s	:	Mr. Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-03-2022 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Aurai Police Station Case No. 204 of 2020, registered for the
offences punishable under Sections 30 (a)/36/41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police recovered a total quantity of 4824 litres
of illicit liquor from five vehicles standing near the place of
occurrence and arrested three persons, including the petitioner,
who disclosed that they had brought the consignment of illicit
liquor for the purpose of sale.

Learned Senior Counsel for the petitioner submits that



the petitioner has not committed any offence in the manner alleged and he has falsely been implicated this case on the basis of the fact that the illicit liquor has been recovered from the place where the petitioner was present due to his personal reason. He further submits that nothing has been recovered from the conscious possession and/or vehicle or premises belonging to the petitioner. He further submits that co-accused persons have been granted bail vide orders, passed in Criminal Misc. Nos. 20982, 49590, 55440 and 65351 of 2021. He further submits that the petitioner is in custody since 04.03.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that nothing has been recovered from the possession of the petitioner, he is neither the driver nor the owner of any of the vehicles, he is in custody since 04.03.2021, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Aurai Police Station Case No. 204 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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