

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34206 of 2021**

Arising Out of PS. Case No.-561 Year-2019 Thana- SARAIYA District- Muzaffarpur

CHANDAN KUMAR S/o Panchi Ray @ Batchu Ray R/o village- Manikpur,
P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Ms.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 03-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Saraiya Police Station Case No. 561 of 2019, registered for the offences punishable under Sections 30/30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that a total quantity of 101 litres of illicit liquor was recovered from the house of co-accused Amarjeet Kumar and 4-5 persons, including the petitioner, who were unloading the illicit liquor, were seen fleeing away from the place of occurrence.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of



the disclosure of his name by the villagers. He further submits that the petitioner has got no criminal antecedent and nothing has been recovered from his possession. He further submits that similarly situated co-accused persons, namely, Amarjeet Kumar and Rakesh Kumar @ Rakesh Kumar Sah (by order, dated 18.12.2019, passed in Criminal Misc. No. 82715 of 2019) and Sunil Kumar and Ajay Kumar (by order, dated 22.06.2020, passed in Criminal Misc. No. 72442 of 2019) have been granted anticipatory bail by co-ordinate benches of this Court. He further submits that the petitioner is in custody since 14.03.2021 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 the petitioner has got no criminal antecedent, charge sheet has already been submitted, no illicit liquor has been recovered from the possession of the petitioner, similarly situated co-accused persons have been granted anticipatory bail by this Court and the petitioner is in custody since 14.03.2021, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Sariaya Police Station Case No. 561 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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