

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38238 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

1. KRISHNA RAI Son of Ramnandan Rai Resident of Village - Hakama Tarwar @ Hakama Talwar, P.S.- Bheldi, District - Saran
2. Ramesh Rai Son of Late Shabha Rai Resident of Village - Hakama Tarwar @ Hakama Talwar, P.S.- Bheldi, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-01-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Marhowrah Police Station Case No. 82 of 2021, registered for the offences punishable under Sections 272/273/413/414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police raided the liquor manufacturing unit and recovered 200 litres of illicit country-made liquor from the place of occurrence and also arrested the petitioners along with others from the spot.



Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and the motorcycle, which was recovered by the police from the place of occurrence belong to one Randhir Kumar and the petitioners are not the owner of the same. He further submits that the petitioners are not the owner of the liquor manufacturing unit and similarly situated co-accused Madan Manjhi has been granted bail by this Court vide Criminal Misc. No. 36752 of 2021. He further submits that the petitioners are in custody since 28.02.2021, having no criminal antecedent and charge sheet has been submitted against them and as such, there is no likelihood that the petitioners 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 similarly situated co-accused person has been granted bail by this Court, charge sheet has already been submitted, no illicit liquor has been recovered from the conscious possession of the petitioners and the petitioners are in custody since 28.02.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioners.



This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran, at Chapra, in connection with Marhowrah Police Station Case No. 82 of 2021.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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