

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43541 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- DANAPUR District- Patna

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FEKU RAI @ VIKRANT PRASAD @ RAVIKANT PRASAD S/o Satya
Narayan Prasad R/o Sultanpur, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rina Sinha, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Danapur PS case no. 215 of 2019 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

At the outset, the learned counsel for the petitioner submits that in paragraph no.1 and in the prayer portion, the case number has been wrongly mentioned as Danapur PS case no. 215 of 2021 respectively, whereas the same should have



been Danapur PS case no. 215 of 2019.

Accordingly, it is directed the P.S. case number be read as Danapur PS case no. 215 of 2019, wherever the same is appearing in the present petition.

The allegation is regarding two accused persons namely Vishal Rai and Sudhir Kumar having been arrested by the police and 09 liters of illicit liquor having been recovered. It is also alleged that the name of the petitioner was disclosed by the said arrested accused persons to be one of their accomplice. It is also alleged that upon disclosure made by the said arrested accused persons, huge quantity of illicit liquor was recovered, which had been kept buried in the sand.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case but he is on bail in the said case. The petitioner is stated to be languishing in custody since 16.03.2021. It is next submitted that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from his conscious possession nor from his house and his name has transpired in the present case merely upon disclosure made by the arrested accused persons.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house and moreover, his name has transpired in the present case merely on the disclosure made by the arrested accused persons, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise), Patna in connection with Danapur PS case no. 215 of 2019.

(Mohit Kumar Shah, J)

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