

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42253 of 2021

Arising Out of PS. Case No.-335 Year-2020 Thana- MANIYARI District- Muzaffarpur

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UMA SHANKAR RAI @ UMA RAI S/o Late Shivalak Rai R/o Village
Chhapki, P.S. - Maniyari, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2022 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 the learned APP for the State.

The petitioner seeks regular bail in connection with Maniyari PS case no. 335 of 2020 instituted for the offences punishable under Sections 272, 273, 290 of Indian Penal Code and 30(a), 34, 36, 41, 56(D) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 36 liters of illicit liquor from an open field belonging to the petitioner.

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 22.06.2021. The learned counsel for the petitioner has further submitted that the recovery of illicit liquor is from an open field, hence the possibility of illicit liquor being planted by some one else, cannot be ruled out.

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 the illicit liquor has been recovered from an open field and not from the possession of the petitioner, apart from the fact that the petitioner is languishing in custody since 22.06.2021, 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), Muzaffarpur in connection with Maniyari PS
case no. 335 of 2020.

(Mohit Kumar Shah, J)

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