

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33145 of 2022

Arising Out of PS. Case No.-526 Year-2019 Thana- KANTI District- Muzaffarpur

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MANGAL RAI @ AJAY RAI SON OF SURAJ RAI R/O VILLAGE-
MADHUBAN PAKARI, P.S.- KANTI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-06-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Kanti Police Station Case No. 526 of 2019, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was dismissed as withdrawn, vide order, dated 03.02.2022, passed in Criminal Misc. No. 43092 of 2021, giving liberty to the petitioner to renew his prayer for bail after four months from the date of the order.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that



the petitioner, along with other co-accused persons, have kept huge quantity of illicit liquor in a mango orchard and are selling the same, proceeded towards the place of occurrence, and on seeing the police, party, the persons sitting in the mango orchard succeeded in fleeing away and on search, the police recovered 520.14 litres of illicit liquor from the mango orchard kept in a trunk under the land.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 03.02.2022. He further submits that the petitioner has falsely been implicated in this case by the police with oblique motive and no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner; rather, the illicit liquor has been recovered from a mango orchard, which is an open space and is accessible to all and sundry. He further submits that the petitioner is in custody since 10.06.2021 and charge sheet has already been submitted against him 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 and taking into consideration the fact that no illicit liquor has been recovered from the conscious



possession and/or premises belonging to the petitioner, he is in custody since 10.06.2021, charge sheet has been submitted and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds 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 Kanti Police Station Case No. 526 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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