

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39036 of 2022**

Arising Out of PS. Case No.-460 Year-2020 Thana- MINAPUR District- Muzaffarpur

BAHADUR RAI @ RAM BAHADUR RAI Son of Shankar Rai R/o village -
Raghopur, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 10-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Learned counsel for the petitioner seeks permission to

correct the name of the village of the petitioner in the petition.

Permission is granted.

Petitioner seeks regular bail in Minapur P.S Case No.

460 of 2020 registered for the offences punishable under

Sections 272, 273, 120B/34 of the Indian Penal Code, section

30(a) of Bihar Prohibition and Excise Act and sections 8C,

20,21, 222 of NDPS Act.

On getting secret information that in huge quantity

spirit and narcotic material are to be unloading, thereafter acting

on a tip off, the police party reached at village Raghopur



Mahdeia and seeing the police party accused persons started fleeing but one accused Sikandar Sahni has been apprehended and other accused persons managed to escape, thereafter house of father of the said accused was searched and 200 liters spirit was recovered and 10.5 kg narcotic material suspected to be ganja was recovered from the possession of other co-accused person and apprehended accused disclosed the names of 22 persons including the petitioner.

It is submitted by learned counsel for the petitioner that in the instant case, several co-accused persons have been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 30658/2021, Cr. Misc. No. 44610/2021 and co-accused Ranjeet Ray has been granted bail vide order passed in Cr. Misc. No. 28148/2022. Further submission is that against the petitioner, there is criminal antecedent of four cases but the petitioner was dragged in this case because of his criminal antecedent on the basis of confessional statement of co-accused and alleged recovered spirit and 10.5 kg narcotic material suspected to be ganja was recovered from the possession of co-accused person and petitioner has been languishing in jail since 11.03.2022 and against him, investigation has been completed.



Sri Harendra Prasad, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the fact that as per FIR petitioner was not arrested at the spot and his name surfaced in the statement of co-accused persons who were apprehended with illegal spirit and moreover, co-accused Mahesh Rai carrying similar allegation is on bail granted by a coordinate bench of this court vide order passed in Cr. Misc. No. 44610/2021 and against the petitioner, investigation has been completed, in my view, a lenient approach may be taken in respect of the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Excise, Court No.I, Muzaffarpur in Minapur P.S Case No. 460 of 2020.

(Shailendra Singh, J)

s.hassan/-

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