

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48725 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

BARUN RAI S/o Ram Sagar Ray @ Ram Sagar Yadav R/o village- Barbatta,
P.S.- Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 28-02-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Patepur
P.S. Case No. 89 of 2021 for the offence punishable under Sections
30(a), 32(ii), 38(ii) and 41(1) of the Bihar Prohibition and Excise
Act, 2018.

The allegation is regarding recovery of 3693.600 litres of
illicit liquor from a truck and some other vehicles. The petitioner
and other co-accused persons are stated to have been arrested from
the spot.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case, is having a clean antecedent and is languishing in
custody since 16.04.2021. The learned counsel for the petitioner
has further submitted by referring to paragraph no. 9 of the present
petition that the petitioner was arrested from a line hotel. It is also
submitted that similarly situated co-accused persons have already
been granted bail by coordinate Benches of this Court vide orders
dated 07.01.2022, 20.01.2022 and 21.02.2022 passed in Criminal



Misc. No. 43965 of 2021, Criminal Misc. No. 43374 of 2021 & Criminal Misc. No. 21.02.2022 respectively.

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 petitioner as also taking into account the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by coordinate Benches of this Court, apart from the fact that the petitioner is not stated to be the owner of the truck/vehicle in question from which illicit liquor has been recovered, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S. Case No. 89 of 2021.

(Mohit Kumar Shah, J)

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