

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50970 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

1. AJAY RAI Son of Chandeshwar Rai @ Chandeshwar Ray Resident of Madan Chaupar, P.S. - Bochahan, Distt.- Muzaffarpur (Bihar).
2. Dinesh Rai Son of Late Julum Rai @ Jugul Rai Resident of Madan Chaupar, P.S. - Bochahan, Distt.- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 08-04-2022 Heard Mr. Arun Kumar, learned counsel for the petitioners and Mr. Brajendra Nath Pandey, Additional Public Prosecutor for the State through video conferencing.

Petitioners seek regular bail in connection with Bochahan PS Case No. 352/2019 registered for the offence punishable under Sections 272, 273 of the IPC and Section 30(a)/30(c)/30(D), 34 (a-4)/41/47 of Bihar Prohibition & Excise Act.

The police, on the basis of secret information that the petitioner along with other accused persons was manufacturing and selling illicit liquor, proceeded towards the place of occurrence and from the husk room of the co-accused persons recovered 130 litres of illicit liquor and from pond of the



accused persons 70 litres of the illicit liquor was recovered by the police.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of secret information received by the police. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioners or from the premises belonging to them and from perusal of the FIR and the seizure list, it would be evident that illicit liquor has been recovered from the husk room and the pond belonging to the accused persons, namely, Pramod Rai, Rakesh Rai, Umesh Rai and Ashok Rai. He next submits that the petitioners having no criminal antecedents are in custody since 27.07.2021 and the charge-sheet has already been submitted in the matter.

Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners having no criminal antecedents are in custody since 27.07.2021, the charge-sheet has already been submitted in the matter and no illicit liquor has been recovered from the conscious possession of the petitioners or from the premises belonging to them, I am inclined to grant regular bail to the



petitioners.

Accordingly, let the petitioners, namely, 1. AJAY RAI and 2. DINESH RAI be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Bochahan PS Case No. 352/2019.

(Anil Kumar Sinha, J)

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