

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55658 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- MOTIPUR District- Muzaffarpur

AJAY RAI SON OF LAL BABU RAI R/O VILLAGE- MORSANDI, P.S.-
MOTIPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner seeks regular bail in connection with
Motipur P.S. Case No. 12/2021 registered for the offences
punishable under Sections 272, 273 of the Indian Penal
Code 1860 and Section 30(a), 41(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

The allegation, as per the First Information
Report, is that the Police got information that the petitioner
along with Sunny Kumar has stored spirit for the purpose of
manufacture of illicit liquor, proceeded towards the place of
occurrence and recovered 100 litres of spirit kept in a drum



near the bank of river Budhi Gandak. The Police tried to nab the petitioner and co-accused Sunny Kumar, but they succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has been implicated in this case on the basis of secret information by the Police. He further submits that local *Chowkidar* has allegedly identified the petitioner fleeing from the place of occurrence. He next submits that the illicit spirit has not been recovered from possession of the petitioner and that has been recovered from the bank of river Budhi Gandak which is an open space accessible to all and sundry. The petitioner is in custody since 1.8.2021 having no criminal antecedent.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, he is in custody since 1.8.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on 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 Motipur P.S. Case No. 12/2021.

(Anil Kumar Sinha, J)

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