

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60009 of 2021

Arising Out of PS. Case No.-405 Year-2019 Thana- NAANPUR District- Sitamarhi

PHAGUNI RAI @ FAGUNI RAI @ FAGUNI PRASAD YADAV Son of Late
RamAvtar Yadav @ Ram Autar Rai Resident of Village- Patnukka, P.S.-
Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard Mr. Ravi Ranjan, learned counsel for the

petitioner and Ms. Sharda Kumari, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Nanpur P.S. Case No. 405 of 2019 registered for the offence
punishable under Sections 30, 30(a), 38(i)(ii) and 41 of the
Bihar Prohibition and Excise Act, 2016.

The Police on the basis of secret information that the
petitioner along with 10 other persons have brought the
consignment of liquor through ten-wheeler truck, constituted a
team and intercepted the truck and two other vehicles. However,
the accused persons succeeded in fleeing away. On search, a
total quantity of 1718 litres of illicit liquor has been recovered



from the ten-wheeler truck, pick up van, Magic van etc.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information received by the Police. He further submits that identity of the petitioner has not been disclosed in the First Information Report and no illicit liquor has been recovered either from his conscious possession or the vehicles belonging to him. He next submits that the petitioner is neither the owner of the vehicles nor the driver from which the illicit liquor has been recovered. The petitioner is in custody since 3.7.2021 and he is 75 per cent disabled person having mental disability.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered either from conscious possession of the petitioner or the vehicle belonging to him, the petitioner is 75 per cent disabled person with mental disability, he is in custody since 3.7.2021, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic, I am inclined to grant regular bail to the petitioner, 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.25,000/-
(Twenty five thousand) with two sureties of the like amount
each to the satisfaction of learned District & Sessions Judge-II-
cum Special Judge, Excise Act, Sitamarhi, in connection with
Nanpur P.S. Case No. 405 of 2019.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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