

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61060 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- SHYAMPUR BHATHA District-
Sheohar

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RAJU RAI @ RAJU KUMAR SON OF RAMPRIT RAI R/O VILLAGE-
BHORAHAN, P.S.- SHYAMPUR BHATAHA, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a search being
conducted two accused persons were caught and 436.320 litres
of liquor was recovered. It is further stated that on enquiry the
two arrested accused persons disclosed that the liquor had been
brought by three other accused persons which included the
petitioner herein.

It is submitted by learned counsel for the petitioner
that from the FIR itself it would transpire that neither the
petitioner was arrested at the spot nor any incriminating article



was recovered from his possession. The only material against him is the statement of coaccused Arvind Rai made before the police. The said Arvind Rai has been enlarged on bail vide order dated 7.10.2021 passed in Cr.Mic. no.22166 of 2021. The petitioner is in custody since 6.8.2021, has no criminal antecedent and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot, the petitioner not having any criminal antecedent, having remained in custody for 8 months and grant of bail to coaccused Arvind Rai on whose statement before the police the name of the petitioner transpired, the Court directs the petitioner to be enlarged on bail in connection with Shyampur Bhatha P.S. Case no. 235 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Sheohar.

(Partha Sarthy, J)

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