

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54843 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- UJIYARPUR District- Samastipur

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Bidio Ray @ B.D.O. Rai @ Video Rai S/o Ram Charitra Rai @ Sri Chalitra
Rai Resident of Village- Samartha, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Ujiarpur P.S. Case No. 90 of 2021 lodged under Sections
414/467/468/471/420/34 of the I.P.C. read with Section 30(a)
and 41(i)(ii) of Bihar Prohibition and Excise (Amendment) Act,
2018.

As per the prosecution case, total recovery of
2406.600 litre wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the alleged recovery was made from a truck.

Counsel submits that the petitioner is neither driver nor owner of the said truck. Counsel submits that the name of the petitioner has come in this case by virtue of the confessional statement of the co-accused. Counsel submits that there are 6 criminal cases pending against him in which he is on bail in 5 cases and in one case he is persuading for bail. Counsel subsequently submits that petitioner is in custody since 04.06.2022, charge sheet has already been filed in this case.

In addition to that counsel also submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court which is Annexure-3. Counsel submits that petitioner was granted anticipatory bail but due to legal reasons, he could not surrender and this anticipatory bail become infructuous for him, therefore, he surrendered in this case and praying for regular bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in

connection with Ujiarpur P.S. Case No. 90 of 2021, subject to
the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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