

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54461 of 2022

Arising Out of PS. Case No.-317 Year-2019 Thana- KUDHNI District- Muzaffarpur

Shambhu Rai Son Of Rahunath Rai, R/O Village- Keshopur, P.S.- Kudhani,
Distt.- Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey (APP.84)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-11-2022 Let the defect(s), 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
Kudhani P.S. Case No. 317 of 2019, lodged under Sections 272
and 273 of the Indian Penal Code read with Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total recovery of 2869.920
liter wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that the said wine was loaded on truck and this truck
was kept in the abandoned position near the bank of the Noon
river. Learned counsel further submits that total 8 persons
including the petitioner were arrested on the secret information
of the police but not from the place of occurrence. Learned

counsel also submits that antecedent of the petitioner is clean and he is in custody since 12.08.2022. In paragraphs 14, 15 and 16 of the petition, learned counsel has categorically submitted that other co-accused persons who were apprehended by the police, have already been granted bail by the Co-ordinate Bench of this Court.

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 Court of Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kudhani P.S. Case No. 317 of 2019, 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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