

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65351 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- AURAI District- Muzaffarpur

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SUNIL RAY @ SUNIL KUMAR S/o Late Jalim Ray R/o village- Kodariya
Chakki Rampur, P.S.- Mahindwara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Aurai Police Station Case No. 204 of 2020, registered for the
offences punishable under Sections 30 (a)/36/41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one truck, one Mahindra
pick-up van and two tempo and recovered a total quantity of
4824 litres of illicit liquor from the said vehicles and arrested
three persons, including Ramnath Ray, who disclosed the name
of the petitioner and others as their accomplices.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated this case with oblique motive. He further submits that the petitioner is neither the owner nor the driver of any of the vehicles. He further submits that the petitioner has not been arrested from the spot; rather, he has been remanded in this case on 30.09.2021 from Hathauri Police Station Case No. 200 of 2021. He further submits that nothing has been recovered from the conscious possession and/or vehicle or premises belonging to the petitioner. He further submits that co-accused persons have been granted bail vide order, passed in Criminal Misc. Nos. 20982 and 55440 of 2021. He further submits that the petitioner is in custody since 30.09.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that nothing has been recovered from the possession of the petitioner, he is neither the driver nor the owner of any of the vehicles, he is in custody since 30.09.2021, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to



pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond 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 Aurai Police Station Case No. 204 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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