

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 66347 of 2021**

Arising Out of PS. Case No.-228 Year-2021 Thana- MINAPUR District- Muzaffarpur

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KAMESHWAR KUMAR RAY @ KAMESHWAR KUMAR @ RAY Son of  
Baldev Prasad Resident of Village - Rupauli Vishunpur, P.S.- Minapur,  
District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      01-06-2022**                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (for brevity, *APP*) appearing for  
the State of Bihar.

The petitioner seeks bail in Minapur Police Station  
(for brevity, *PS*) Case No 228 of 2021 registered on 25.06.2021  
for the offence punishable under Sections 272, 273/34 of Indian  
Penal Code and Section 30 (a) of Bihar Prohibition and Excise  
Act, 2018.

There is recovery of 357.090 liters illicit liquor from  
the house of Rajvallav Prasad, upon search being conducted.  
One Ajay Kumar, who has been arrested, as per prosecution  
case, has stated the name of 3 persons, who were accomplice in  
the trade of illicit liquor.



Petitioner's counsel submits that there is no recovery of illicit liquor from the petitioner's possession nor the petitioner was arrested at the spot. His implication is based on statement of co-accused Ajay Kumar, who was arrested at the spot. The said person (Ajay Kumar), who has named the petitioner, has already been allowed bail by this Court in Cr Misc No 53291 of 2021. Another co-accused, namely, Chandan Kumar, who has been implicated in similar way as the petitioner, has also been allowed bail by this Court in Cr Misc No 69351 of 2021. Petitioner is stated to be in custody since 13.09.2021 and bears a clean past. Investigation is also stated to be complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, fair antecedent and period of custody, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Minapur PS Case No 228 of 2021 subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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