

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55740 of 2022**

Arising Out of PS. Case No.-845 Year-2020 Thana- KUDHNI District- Muzaffarpur

Vinay Kumar @ Vinay Rai S/o Indradev Ray R/V- Bhawanipur, P.S.-  
Kudhani(Turki O.P.), Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Kudhani (Turki O.P.) P.S. Case No. 845 of 2020  
registered for the alleged offences under Sections 272 and 273  
of the Indian Penal Code and Section 30(a) of the Bihar  
Prohibition Act and Excise Act.

As per prosecution case, the police received secret  
information about the petitioner and other co-accused persons  
bringing spirit for supplying it to the persons trading in liquor.  
Recovery of 50 litres of illicit spirit was made from a  
*Anganwari kendra* and the petitioner and other co-accused are



stated to have concealed it at that place.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been made accused merely on suspicion. Co-accused Vikas Kumar has been granted bail by a Co-ordinate Bench vide order dated 12.08.2022 passed in Cr. Misc. No. 32908 of 2022. The petitioner is in custody since 27.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that petitioner has a long criminal history and is accused in six cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to 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 court-II Muzzafarpur in connection with Kudhani (Turki O.P.) P.S. Case



No. 845 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Rajnish/-

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