

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55806 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Kishore Rai S/O Tingan Rai @ Jagarnath Ray Resident Of - Madhopur
Hazari, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-12-2022 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
Sahebganj P.S. Case No. 361 of 2021 lodged under Sections
272, 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per the prosecution case, total recovery of 70 liter
of country-made wine has been made, which is subject matter of
the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 10.06.2022 having

clean antecedent. Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that the alleged recovery has been made from a public place and not from the possession of the petitioner. He submits the from the F.I.R. it transpires that name of the petitioner has come in this case by virtue of statement of one *chowkidaar* and due to his wrong statement petitioner is languishing in jail.

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 Judge Excise, Court-2, Muzaffarpur in connection with Sahebganj P.S. Case No. 361 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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