

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69425 of 2021

Arising Out of PS. Case No.-380 Year-2021 Thana- BIDUPUR District- Vaishali

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1. RAJENDRA RAI Son of Late Tulsi Rai Resident of Village- Mile, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar)
 2. Kanchan Rai @ Kanchan Kumar Son of Rajendra Rai Resident of Village- Mile, P.S.- Bidupur, District- Vaishali at Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Bidupur P.S. Case No. 380 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 120 liters of illicit country made liquor from the house of the petitioners.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case,



they are having a clean antecedent and they are languishing in custody since 8.8.2021. The learned counsel for the petitioners has further submitted that the house in question is in joint possession of the petitioners and his family members, hence, the petitioners cannot be singled out and saddled with the liability of the illicit liquor recovered from the house in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the petitioners are languishing in custody since about 10 months, apart from the fact that they are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named



petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 380 of 2021.

(Mohit Kumar Shah, J)

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