

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26102 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- BHAGWANPUR District- Vaishali

Pawan Rai @ Raju Rai son of Bhuil Rai @ Baidhnath Rai Village- Aitwarpur
Pakadi Ps- Lalganj Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

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

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 16-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Bhagwanpur P.S. Case No. 272 of 2022 dated 22.11.2022 registered for the offences punishable under Sections 272 and 273 of IPC and Section 30(a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 990 litres of foreign liquor and the same is stated to have been recovered from a bush situated beside the road and the petitioner has no concern with the said place of recovery, infact as per allegation, two co-accused persons namely, Hari Gopal Rai and Vinod Rai were arrested at the place of recovery and the said co-

accused persons disclosed the name of this petitioner and co-accused Vivek Kumar to be involved in the alleged crime and except the said statement of said co-accused made before the police, there is no any other material against this petitioner and co-accused Vivek Kumar whose case is completely identical to this petitioner has been granted anticipatory bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 3300 of 2023 and the alleged liquor has not been recovered from the petitioner's conscious possession and he has been languishing in jail since 16.02.2023. Further submission is that against the petitioner there is criminal antecedent of one case and in this regard supplementary affidavit has been filed and against him the investigation has been completed.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that petitioner was not arrested at the spot and his name came into light in the statement of arrested co-accused persons and one similarly situated co-accused person named above is on bail and against him the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing

bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bhagwanpur P.S. Case No. 272 of 2022.

(Shailendra Singh, J)

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