

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46833 of 2023

Arising Out of PS. Case No.-296 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

MITHLESH RAY, Son of Sri Ramayan Rai, Resident of village - Bahrapur,
P.S. - Baikunthpur, District. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Baikunthpur P.S. Case No. 296 of 2020 dated 11.09.2020
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 2000 litres of illicit country made liquor kept in ten
drums inside a pick-up van and the said vehicle is stated to have
been found in front of the house of one co-accused namely,
Rajesh Ray and the petitioner has no connection with the seized
vehicle as well as liquor. Further submissions are that the
petitioner was not apprehended at the spot of recovery and as



per the FIR the local persons, whose names have not been disclosed in the FIR, gave the details of this petitioner and other co-accused persons as being involved in the smuggling of the alleged seized liquor but the said information provided by the locals/villagers is not admissible in the eye of law and petitioner's prayer for anticipatory bail was rejected mainly on the ground of his criminal antecedents and one co-accused namely, Shyamdev Ray, carrying similar number of antecedents like this petitioner, is on bail and petitioner has been languishing in jail since 24.01.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period and completion of investigation against him and also the facts that the petitioner was not apprehended at the spot and as per FIR his involvement in the alleged crime was disclosed by the local persons who gathered at the place of recovery and one co-accused namely, Shyamdev Ray, having similar number of antecedents is on bail, in my opinion, in the present circumstances, the petitioner deserves to the privilege of bail, **let the petitioner be released on bail,**



after framing of charge, if the same has not been framed, in
connection with Baikunthpur P.S. Case No. 296 of 2020 on
furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two
sureties of the like amount each to the satisfaction of the Court
concerned.

(Shailendra Singh, J)

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