

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39928 of 2023

Arising Out of PS. Case No.-246 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Mithilesh Rai @ Sanjay Kumar Son of 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 : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 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. 246 of 2020 dated 06.08.2020
registered for the offences punishable under Sections 30(a), 32
and 41 of Bihar Prohibition and Excise Amendment Act.
3. The main submissions advanced by learned counsel for
petitioner are that admittedly the petitioner was not apprehended
at the spot of recovery and according to the prosecution story,
the apprehended co-accused persons disclosed before the police
that the seized wine was to be delivered to the petitioner and
others, except the said statement made by the apprehended co-
accused persons, there is no material to show petitioner's
connection with the alleged recovered wine, though against the

petitioner there are criminal antecedents of 12 cases but he has got bail in 10 cases and the petitioner's father and uncle are politically active persons due to which some local persons have political rivalry with the petitioner and in collusion with the police, the petitioner has been roped in this case. Further submission is that three co-accused persons namely, Kiran Waje @ Kiran Pandharinath, Mohan Sahane @ Mohan Ambadas Sahane and Rohit Kumar, who were apprehended at the spot of recovery with the alleged wine have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 35004 of 2020 and co-accused Laxman Rai carrying similar nature of allegation has also been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 36325 of 2020.

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

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot of recovery and his name came into light in the statement of apprehended co-accused persons, out of them three are on bail as mentioned above, 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 **Baikunthpur P.S. Case No. 246 of 2020.**

(Shailendra Singh, J)

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