

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74599 of 2022

Arising Out of PS. Case No.-353 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAJA YADAV @ RAJA BABU @ RAJA KUMAR Son of Tilak Ray @
Dilak Ray R/V- Dharampur Ward No.- 10, P.S.- MUFFASIL, District -
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Samastipur (Muffasil) P.S. Case No. 353 of 2020, registered for the offence punishable under Sections 147, 148, 149, 225, 323, 333, 335, 341, 353, 504, 120(B)/34 of the Indian Penal Code and Sections 30(a), 32(2), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and a car parked in front of the house of one co-accused person, namely, Suresh Rai, whereupon three co-accused persons were arrested and they had



disclosed the names of their accomplices including the petitioner herein. It is also alleged that some accused persons had arrived at the spot and had managed to free one co-accused person, namely, Suresh Rai, from the clutches of the police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.9.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in five other cases, but he is on bail in four of them. The learned counsel for the petitioner has further submitted that the said co-accused person, namely, Suresh Rai, has already been granted bail by the learned court below and one co-accused person, namely, Maniya @ Mani Kumar @ Sujit Kumar, has also been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 19.7.2021, passed in Criminal Miscellaneous No. 39953 of 2020.



The learned counsel for the petitioner has further submitted that neither the truck nor the car in question belongs to the petitioner and moreover, the petitioner has also not been arrested from the spot, much less any illicit liquor has been recovered from the conscious possession of the petitioner, hence, the petitioner is not having any complicity in the matter.

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 petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioner, apart from the fact that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a



coordinate Bench of this Court, vide order dated 19.7.2021, passed in Criminal Miscellaneous No. 39953 of 2020, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 353 of 2020.

(Mohit Kumar Shah, J)

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