

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11220 of 2024

Arising Out of PS. Case No.-141 Year-2021 Thana- BALIGAON District- Vaishali

Barun Rai @ Barun Kumar Rai @ Barun Kumar @ Barun Ray, S/o Shresth Rai @ Ram Shresth Rai, R/o Village- Govindpur Bela, P.S- Baligaon, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Baligaon P.S. Case No. 141 of 2021, instituted for the offences punishable under Sections 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 338.04 liters liquor was recovered from Mango orchard of co-accused Guddu Rai.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that neither the petitioner was arrested nor present in



the spot. The name of the petitioner transpired from the confessional statement of the local people and *chaukidar*. Charge-sheet has been submitted in this case. The petitioner has got no concern with the alleged recovery of liquor and no incriminating article was recovered from the possession of the petitioner. The petitioner is in custody since 26.11.2023 and has got four criminal antecedents in which the petitioner is on bail in three cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 01.07.2022 passed in Cr. Misc. No. 19464 of 2022, order dated 09.12.2022 passed in Cr. Misc. No. 65815 of 2022 and order dated 04.03.2023 passed in Cr. Misc. No. 69651 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released 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 Court



below/concerned Court in connection with Baligaon P.S. Case
No. 141 of 2021.

(Rudra Prakash Mishra, J)

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