

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11495 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- BALIGAON District- Vaishali

Barun Rai @ Barun Kumar Rai @ Barun Kumar @ Barun Ray S/O Ram
Shresth Rai @ Ram Shresht 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 : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Baligaon P.S. Case No.
114 of 2023, instituted for the offences punishable under
Sections 272, 273, 34 of the Indian Penal Code, Sections 30(a),
32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 489.240
liters liquor was recovered from Janera farm and bamboo
plantation.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. The
petitioner has got no concern with the alleged recovery of
liquor. Name of the petitioner transpired on the basis of secret
information. The petitioner was neither arrested nor present on



the spot. Both the places of recovery belongs to the other co-accused persons. The petitioner is in custody since 16.12.2023 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 anticipatory bail by a Co-ordinate Bench of this Court vide order dated 11.12.2023 passed in Cr. Misc. No. 75103 of 2023, order dated 13.12.2023 passed in Cr. Misc. No. 75918 of 2023 and order dated 05.01.2024 passed in Cr. Misc. No. 79158 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. 114 of 2023.

(Rudra Prakash Mishra, J)

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