

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31582 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Baiju Rai, aged about 30 years, Male, Son of Hardev Rai, Resident of village
- Dakhani Dumari (Khapra), P.S.- Patori (Mohanpur O.P.), DIST- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Rajeev, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Patori
(Mohanpur O.P.) P.S. Case No. 401 of 2023 dated 17.06.2023
registered for the offence punishable under Sections 30(a) Bihar
Prohibition and Excise Act, 2022.

3. As per the prosecution case, total 155.520 litres of
illicit liquor was recovered kept beneath the seat of Ambulance.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the name of the petitioner has surfaced in the present case on the basis of the confessional statement of the co-accused Umesh Sah. The petitioner has been remained in the present case from M. Nagar P.S. Case No. 05 of 2024. No incriminating article has been recovered from the possession of the petitioner rather the alleged recovery was made from the Ambulance and the said Ambulance does not belong to the petitioner. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 78175 of 2023 under order dated 02.01.2024. The petitioner has one criminal antecedent which is not of similar nature of case as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 19.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) No.2, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case



No. 401 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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