

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52863 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- SIMRI District- Darbhanga

Baijnath Ray @ Nanki @ Baidhnath Yadav S/o Hitai Rai R/v - Jaganiya, p. s.
- Gaighat, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Simri P.S. Case No. 278
of 2023, instituted for the offences punishable under Sections
30(a), 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 879.03 liters
liquor was recovered from five different vehicles and from the
house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no knowledge and concern with the alleged recovery of liquor.



Learned counsel for the petitioner further submitted that the petitioner was not arrested at the place of occurrence. Name of the petitioner has transpired on the basis of confessional statement of co-accused Amesh Kumar and the same has no evidentiary value. The petitioner is in custody since 30.04.2024 and has got two criminal antecedents in which the petitioner is on bail in one case. 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 Simri P.S. Case No. 278 of 2023.

(Rudra Prakash Mishra, J)

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