

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10317 of 2020

Arising Out of PS. Case No.-710 Year-2019 Thana- SONEPUR District- Saran

Sanjay Rai S/o Late Rekha Rai R/o Village- Sabalpur Navrasiya, P.S.-
Sonepur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-04-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice at the
instance of the learned counsel for the petitioner.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1586.160 liters
wine is recovered from the brick kiln.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 30.11.2019 and has got no criminal
antecedent. Charge sheet has been submitted in this case. There



is no allegation of tampering of witnesses against the petitioner. The name of the petitioner has come on the basis of disclosure made by the co-villagers. The names of the co-villagers have not been disclosed by the prosecution. It is alleged that 1586.160 liters wine is recovered from the brick kiln. The brick kiln in question belongs to the joint family of the petitioner. The petitioner had no knowledge regarding the alleged occurrence. There is no recovery from the conscious possession of the petitioner. A supplementary affidavit has been filed stating that the mother of the petitioner has expired on 13.04.2020. There is no compliance of Section 100 Cr.P.C. There is no chance of the trial being concluded in near future. Other similarly situated co-accused, namely, Babban Ray has been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr.Misc.No.78312 of 2019 dated 29.01.2020.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Sonapur P.S. case No.710 of 2019.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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