

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35689 of 2020

Arising Out of PS. Case No.-65 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Monu Kumar Son of Late Veer Singh Resident Of Village - Telipura Khalsa,
P.S. - Dalair, District- Muradabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for regular bail has been filed by the petitioner in connection with Motipur P.S. Case No.65 of 2020 registered under sections 30(a) and 41 (1)(2) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, about 5975 litres of IMFL was recovered from the truck of which the petitioner was also one of the occupants.

It is submitted by learned counsel for the petitioner that petitioner is merely a *Khalasi* on the truck on which allegedly the illicit liquor was recovered. In fact, no recovery of any incriminating article has taken place. It is submitted that case of the petitioner stands on a similar footing to that of co-



accused Binod Kumar who has been enlarged on bail vide order dated 3.7.2020 (Annexure-2) passed in Cr. Misc. No.21471 of 2020. The petitioner has no criminal antecedent and is in custody since 20.3.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the petitioner having no criminal antecedent and the period in custody, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Motipur P.S. Case No.65 of 2020 on his furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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