

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22105 of 2021**

Arising Out of PS. Case No.-323 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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DIWAKAR, Son of Mahesh Prasad Gupta Resident of Village - Ward no. 7
Phulwaria, P.S.- Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 290 and 120B
of the Indian Penal Code and sections 30(a) and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 873 litres of IMFL was
recovered from a truck and three accused persons were taken
into custody. One of the arrested accused in his statement took
the name of three other persons including the petitioner herein.

It is submitted by learned counsel for the petitioner
that neither the petitioner was arrested at the spot nor any
incriminating article has been recovered from his person. There



is no material against him except the statement of the co-accused made before the police. The cause of false implication is his antecedent. The petitioner is in custody since 14.12.2020 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the petitioner having remained in custody for about 9 months, the petitioner is directed to be enlarged on bail in connection with Mufassil (Singhaul) P.S. Case no. 323 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge II – cum – Special Judge, Excise Act, Begusarai.

(Partha Sarthy, J)

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