

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24238 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- GAIGHAT District- Muzaffarpur

SHAMBHU PRASAD @ SHAMBHU PATEL Son of Late Bhigan Prasad
Resident of Village- Mashrakh, Gopalbari, P.S. - Mashrakh, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in connection with a case registered under sections 272, 273, 420, 467, 468, 471 and 120B of the Indian Penal Code and sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegations in the F.I.R., 8040 liters of spirit was recovered from two trucks. While some of the accused persons managed to escape, five accused persons including the petitioner herein were arrested.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R so far as the petitioner is concerned, are false and concocted. He was arrested under



misunderstanding. He is in custody since 31.1.2021 and has no criminal antecedent.

A report was called for with respect to antecedent of the petitioner and as per the report received contained in letter dated 14.6.2021 of the Senior Superintendent of Police, Muzaffarpur, the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for more than 6 months, the Court directs the petitioner to be enlarged on bail in connection with Gaighat P.S. no. 31 of 2021 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 Special Judge, Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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