

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29600 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- MOTIPUR District- Muzaffarpur

MD. SHAH ALAM S/o Ummid Aalam R/o village- House No. 15
Mohamadpur Mafi, P.S.- Ratanpuri, Distt.- Muzaffar Nagar (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Motipur P.S. Case No. 339 of 2020, registered for the offence punishable under Sections 120(b), 34 of the Indian Penal Code and Sections 30(A), 41(1)(2) of the Bihar Prohibition Excise Act, 2018.

The allegation is regarding recovery of illicit foreign liquor from a car.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 27.12.2020. The learned counsel for the petitioner has further submitted that the car in question does not belong to the petitioner. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 8.10.2021 and 18.11.2021 passed in Criminal Miscellaneous No. 29142 of 2021 and Criminal Miscellaneous No. 25745 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, apart from taking into account the period of



incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 learned Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 339/2020.

(Mohit Kumar Shah, J)

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