

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32534 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- ROSERA District- Samastipur

OM SUMAN Son of Ram Sevak Mahto Resident of Village - Hirniya, Ward
no. 03, P.S. - Rosera, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-12-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Rosera P.S. Case No. 33/2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of



36.750 liters of illicit liquor from an E-Rickshaw and the petitioner is stated to be a passenger thereof.

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 31.1.2021. The learned counsel for the petitioner has further submitted that the petitioner is not the owner of the said E-Rickshaw from which illicit liquor has been recovered.

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 fact that the petitioner is not the owner of the E-Rickshaw in question from which illicit liquor has been recovered as also considering 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 Additional Sessions Judge 2nd cum Special Judge (Excise), Samastipur in connection with Rosera P.S. Case No. 33/2021.

(Mohit Kumar Shah, J)

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