

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32035 of 2021

Arising Out of PS. Case No.-105 Year-2019 Thana- BIBHUTIPUR District- Samastipur

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OSHO RAJNISH SON OF SIKENDAR PRASAD SINGH Resident of
Village - Chandsurari, P.S.- Vibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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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 Vibhutipur PS case no. 105 of 2019 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 428.40 liters of illicit liquor from the vehicle belonging to the petitioner.

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



present case and is languishing in custody since 10.03.2021. The learned counsel for the petitioner has further submitted that the vehicle in question is a commercial vehicle and is used by the petitioner to let out it on hire basis, hence the petitioner has got no complicity in the matter.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the vehicle in question is a commercial vehicle and the petitioner was not arrested from the spot, apart from the fact that the petitioner is languishing in custody since 10.03.2021, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge II-cum-Special Judge, Excise, Samastipur in connection with Vibhutipur PS case no. 105 of 2019.

(Mohit Kumar Shah, J)

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