

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33238 of 2021**

Arising Out of PS. Case No.-185 Year-2020 Thana- DEWARIA District- Muzaffarpur

BIRENDRA RAM @ VIRENDRA RAM Son of Autar Ram Resident of
Village - Saraiya Bazar, P.S.- Dewaria, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 13-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Dewaria P.S. Case No. 185 of 2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 25 liters of illicit liquor from near a temple situated at the Saraiya Bazar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case and he is languishing in custody since 3.2.2021. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case merely upon disclosure of his name by village chaukidar, however, the fact remains that neither the petitioner is the owner of the place from where the illicit liquor has been recovered nor any illicit liquor has been recovered from the conscious possession of the petitioner.

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 neither the owner of the place from where the illicit liquor has been recovered nor any illicit liquor has been recovered from his conscious possession, 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 Dewaria P.S. Case No. 185/2020.

(Mohit Kumar Shah, J)

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