

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33688 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- MOTIPUR District- Muzaffarpur

VIKKY KUMAR @ VIKKY KUMAR CHAUDHARY Son of Munna
Chaudhary R/O Village - Purani Bazar, P.S. Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

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

**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.

The petitioner seeks regular bail in connection with Motipur P.S. Case No. 136/2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise ACT, 2018.

The allegation is regarding recovery of 350 liters of spirit from a scooty and a motorcycle standing in front of the house of the co-accused person, namely, Sonu Mahto.

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 28.1.2021. The learned counsel for the petitioner has further submitted that neither of the two wheelers in question belong to the petitioner nor the same were standing in the premises of the petitioner, hence, the petitioner has got nothing to do with the alleged incident.

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 vehicles in question do not belong to the petitioner and the spirit was not recovered from the house of the petitioner, 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 Act, Muzaffarpur in connection with Motipur P.S. Case No. 136/2020.

(Mohit Kumar Shah, J)

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