

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34622 of 2021**

Arising Out of PS. Case No.-8 Year-2019 Thana- DARIYAPUR District- Saran

=====

UMESH RAI S/o Sabha Rai R/o village- Darvesa @ Manpura, P.S.-
Dariyapur, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

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

2 13-12-2021 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dariyapur P.S. Case No. 8 of 2019 for the offence registered
under Sections 30/30(a), 38 and 41 of Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 4294 litres
of illicit liquor from a truck and the petitioner is stated to be the
person who had fled away from the spot.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 21.03.2021.
The learned counsel for the petitioner has referred to paragraph-
9 of the present petition to submit that he will never claim the



ownership of the truck in question meaning thereby that he is not the owner of the truck in question. It is further submitted that his name has been transpired in the present case upon confessional statement having been made by the co-accused persons who have already been granted bail by a coordinate Bench of this Court vide order dated 11.02.2019 passed in Criminal Misc. No. 7619 of 2019 and vide order dated 01.02.2019 passed in Criminal Misc. No. 5749 of 2019.

Per contra, the learned counsel 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 on record as also considering the fact that the petitioner has got nothing to do with the truck in question and moreover his name has transpired in the present case in the confessional statement of the co-accused persons who have already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned VIth Additional Sessions Judge cum
Special Judge, Excise, Saran at Chapra in connection with
Dariyapur P.S. Case No. 8 of 2019.

(Mohit Kumar Shah, J)

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