

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37333 of 2021**

Arising Out of PS. Case No.-234 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Gagandev Sah S/O Lochi Sah R/O Village-Karanpur Dakshin Manbhitor, Ps.
Bochha, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 08-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bochha P.S. Case No. 234 of 2020 instituted for the offences
under Sections 272, 273 and 120(B) of the Indian Penal Code
read with Sections 30(a) and 33 of the Bihar Prohibition and
Excise Act, 2018.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.03.2021 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
allegation is of recovery of 4168 liters of liquor from the seized
vehicle as detailed in the F.I.R.

Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. and it was during course of investigation that the name of the petitioner transpired on secret information. The learned counsel submits that neither the liquor nor the vehicle belong to the petitioner nor he was apprehended from the place of occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 19.03.2021, charge-sheet has been submitted in the case, he was not apprehended from the place of occurrence and the vehicle does not belong to him nor he was driver of the vehicle as such, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Bochha P.S. Case No. 234 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that one of the bailors shall be the son of the petitioner.

(Satyavrat Verma, J)

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