

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37487 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- GAIGHAT District- Muzaffarpur

ANIL KUMAR PANDEY Son of Late Haridwar Pandey Resident of Village -
Minapur, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gaighat P.S. Case No. 301 of 2020 for the offence registered
under Sections 272, 273, 414, 420, 467, 468, 471 and 120(b)
of the Indian Penal Code and Sections 30(a), 41 and 56(b)
of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 8000 litres of
illicit spirit and 750 ml. wine from a truck.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 28.06.2021. The learned counsel for the
petitioner has further submitted that the truck in question does
not belong to the petitioner and the name of the petitioner has



transpired on account of disclosure made by the co-accused person to the effect that one of the co-accused person namely Mithun Prasad is staying in the house of the petitioner. It is next submitted that nothing incriminating is stated to have been recovered either from the conscious possession of the petitioner or from his house. The learned counsel for the petitioner has also submitted that one of the co-accused person has been granted bail by a coordinate Bench of this Court vide order dated 20.03.2021 passed in Criminal Misc. No. 29644 of 2021.

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 available on record as also considering the fact that neither the truck in question nor the illicit liquor belongs to the petitioner and the petitioner is stated to be languishing in custody since a long time, 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 Special Judge, Excise, Muzaffarpur in
connection with Gaighat P.S. Case No. 301 of 2020.

(Mohit Kumar Shah, J)

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