

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41623 of 2021

Arising Out of PS. Case No.-737 Year-2020 Thana- MAHUA District- Vaishali

MANOHAR KUMAR @ MANOHAR RAI Son of Raju Rai Resident of
Village - Mahua Singh Rai, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Mahua P.S. Case No. 737/2020, registered for the offence punishable under Sections 30(a)/32(ii)/34(ii)/38(ii)/41(i) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 3276.72 liters of illicit Indian made foreign liquor from a truck and the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person, namely, Sanoj Rai, after he was arrested by the police.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 5.4.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 11 of the present petition that the petitioner is neither the owner nor the driver of the truck in question.

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 has categorically stated that he is neither the owner nor the driver of the truck in question and he is stated to be languishing in custody since 5.4.2021, 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S.Case No. 737/2020.

(Mohit Kumar Shah, J)

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