

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43550 of 2021

Arising Out of PS. Case No.-28 Year-2019 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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RAJESH KUMAR Son of Jittu Mahto Resident of Village - Sherpur, P.S.-
Sadar, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bela P.S. Case No. 28 of 2019 for the offence registered under
Sections 272, 273, 414 and 120(B) of the Indian Penal Code and
Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 3790.08 litres
of illicit liquor from a 10-wheeler truck parked in the campus of
Balaji Agro Chemical Factory situated at Bela Industrial Area-
Phase-II. The petitioner is stated to have been named by the co-
accused person namely Anil Kumar who was arrested by the
police from the said factory in question.



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 05.04.2021. The learned counsel for the petitioner has further submitted that neither the vehicle nor the factory in question belong to the petitioner and the petitioner has been falsely implicated in the present case upon his name being disclosed by the arrested co-accused person namely Anil Kumar, who has stated that the petitioner is also one of his accomplice. It is next submitted that co-accused person has already been granted bail by a coordinate Bench vide orders dated 21.10.2019 and 05.03.2020 passed in Criminal Misc. No. 66250 of 2019 and Criminal Misc. No. 72964 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 available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have been granted bail by coordinate Benches of this Court, apart from the fact that no illicit liquor has been recovered from the petitioner



and he is having no concern with the vehicle or factory in question, 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 Act, Muzaffarpur in connection with Bela P.S. Case No. 28 of 2019.

(Mohit Kumar Shah, J)

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