

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46914 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

Om Prakash Son of Pawan Kumar Jha Resident of Village- Kalwari, P.S.- Kanti, Dist- Muzaffarpur At present Village- Madhuban, P.S.- Kolhua, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Brahmpura P.S. Case No. 159 of 2021 instituted for the offences under Sections 272, 273 and 34 of the Indian Penal Code read with Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.06.2021 and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that



allegation is of recovery of 2652.390 liters of liquor from a truck which was standing on the road.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner was arrested merely because he was standing near the truck and thus the police presumed that it were the petitioner along with other accused who were carrying the liquor in the truck when the petitioner was neither the owner nor the driver of the said truck.

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 17.06.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Brahmpura P.S. Case No. 159 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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