

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47175 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Mukesh Rai S/o Gorakh Rai Resident of Village - Chandpura, P.S.- Gayghat,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, 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 Gaighat (Benibad O.P.) P.S. Case No. 207 of 2021 instituted for the offences under Sections 272, 273 and 34 of the Indian Penal Code read with Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.06.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that



allegation is of recovery of 2566.200 litres of liquor from a truck.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot but based on the identification of the petitioner in torch light by the *chowkidar*, the petitioner came to be implicated in the present case. Learned counsel further submits that the *chowkidar* being on inimical terms with the petitioner got him implicated by falsely alleging that the petitioner had fled 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 27.06.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, 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 Act, Muzaffarpur in connection with Gaighat (Benibad O.P.) P.S. Case No. 207 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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