

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48959 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

KANCHAN KUMAR S/o- JAY MANGAL RAY Resident of Village- Bara Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Ms. Sucheta Yadav, 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 Ahiyapur P.S. Case No. 60 of 2021, registered for the offence punishable under Sections 272, 273, 420, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 36 & 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1782.160 liters of illicit liquor while the same was being unloaded from the DCM truck and was being loaded on an Alto car as also one motorcycle was standing nearby. The arrested persons are stated to have disclosed about the complicity of several other accused persons including the petitioner herein in the alleged crime.

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 20.6.2021. The learned counsel for the petitioner has further submitted that neither the vehicle in question nor the illicit liquor belongs to the petitioner and in fact no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, hence the petitioner has been falsely implicated in the present case only on disclosure made by co-accused person namely Ajay Kumar.

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 illicit liquor has not been recovered either from the conscious possession of the petitioner or from his house and the vehicle from which the illicit liquor has been recovered, does not belong to the petitioner, 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 Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 60 of 2021.

(Mohit Kumar Shah, J)

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