

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37998 of 2020

Arising Out of PS. Case No.-289 Year-2020 Thana- MAIRWAN District- Siwan

AWADH KUMAR RAI Son of Yogendra Rai Resident of Village-
Mahammadpur Baya (Mahammadpur), P.S.- Saraiya, Distt-

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2021 Heard the learned counsel for the petitioner and
Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Mairwa PS case no. 289 of 2020 instituted for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 1143 liters of illicit liquor from a truck.

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 is languishing in custody since 21.09.2020. The learned counsel for the petitioner has further submitted that the petitioner is not named in the FIR and he has been subsequently roped in the



present case upon the confessional statement made by the co-accused persons, however he is not having any complicity in the matter, inasmuch as he is neither the owner of the truck nor the illicit liquor which has been seized from the said truck, belongs to him.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the petitioner is not named in the FIR and he has got nothing to do with the truck in question or the seized illicit liquor, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District and Sessions Judge-II-cum-Special Judge (Excise) Siwan in connection with Mairwa PS case no. 289 of 2020.

(Mohit Kumar Shah, J)

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