

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52794 of 2021**

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

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RAUSHAN KUMAR Son of Shibu Mahto @ Shivu Mahto Resident of
Village - Sherpur Kayasth Tola, P.s.- Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 16-12-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bela P.S. Case No. 28/2019, registered for the offence punishable under Section 272, 273, 414, 120-B of the Indian Penal Code and Sections 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck standing in the premises of Balaji Agro Chemical Factory and one person, namely, Anil Kumar, was arrested from the spot, who had disclosed the name of the



petitioner to be one of his accomplice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.6.2021. The learned counsel for the petitioner, by referring to paragraph no. 8 of the present petition, has submitted that the petitioner is having no concern either with the alleged truck or the factory in question and he has been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Anil 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 petitioner has got no concern either with



the truck in question or with the factory in question and he is stated to be languishing in custody since a long time, 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, Muzaffarpur in connection with Bela P.S.Case No. 28/2019.

(Mohit Kumar Shah, J)

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