

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54725 of 2021**

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

CHULHAI RAI @ CHULHAI RAY S/o RAM CHANDRA RAI R/o
VILLAGE-MITHANPURA, P.S-AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr.Bishweshwar Ram

**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 Ahiyapur P.S.Case No. 60/2021, 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.

The allegation is regarding recovery of 1782 liters of illicit liquor from a DCM truck, two motorcycles and one Alto vehicle. As far as Alto car in question is concerned, it is alleged that 45 liters of illicit liquor was recovered and the



petitioner is stated to be the registered owner of the said car.

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 20.6.2021. The learned counsel for the petitioner has further submitted that neither the petitioner was arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioner nor he has been alleged to have been fled away from the spot and the fact is that he has been implicated in the present case merely for the reason that he is the registered owner of the Alto car in question.

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 neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the petitioner has been arrested from the spot and moreover, he is stated to be languishing in custody since 20.6.2021, 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. 60/2021.

(Mohit Kumar Shah, J)

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