

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40173 of 2020

Arising Out of PS. Case No.-456 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MUKESH RAI SON OF NAGEENA RAY RESIDENT OF VILLAGE-
BANGRA NIZAMAT, P.S.- SAHEBGANJ, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2021 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner and Mrs. Veena Kumari Jaiswal, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Sahebganj PS Case No. 456/2019 registered for the offence
punishable under Sections 272, 273, 414/34 of the IPC and
Section 30(a)/(d)(g)(41)(1) of Bihar Prohibition and Excise Act.

The allegation, as per First Information Report, is that
the police on the basis of secret information that one
Vishwanath Sahani along with others are engaged in
manufacturing of illicit liquor, proceeded toward the place of
occurrence and recovered 25 litres of illicit liquor from his
possession and upon enquiry, the co-accused, Vishwanath
Sahani disclosed the name of the petitioner and others.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of confessional statement made by the co-accused, Vishawanth Sahani from whose possession illicit liquor has been recovered. Learned counsel further submits that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor from the premises belonging to him.

Learned counsel next submits that the petitioner is in custody since 17.08.2020 and charge-sheet has been submitted in the matter and there is no likelihood that the petitioner will abscond or tamper with the evidences. It is also submitted that the co-accused, Vishawanath Sahani, who was arrested on the spot and from whose possession illicit liquor was recovered, has been granted bail by a Bench of this Court vide Cr. Misc. No. 860/2020.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is in custody since 17.08.2020 and charge-sheet has already been submitted in the matter and there is no likelihood that the petitioner will abscond or tamper with the evidences and the co-accused, Vishawanath Sahani has been granted bail by a Bench of this Court, I am inclined to grant



regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj PS Case No. 456/2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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