

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6172 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- MANIYARI District- Muzaffarpur

SAJJAN RAI ALIAS SANJAN KUMAR SON OF SHRI RAM PRAVESH
RAI RESIDENT OF VILLAGE - BAGHI GOPINATH, P.S. - MANIYARI,
DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-04-2021 Heard Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Maniyari P.S. Case No. 239 of 2020 registered for the offences punishable under Sections 272, 273, 290, 414 of the Indian Penal Code 1860, Sections 30(a), 34, 36, 41 and 56D of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that the Police on the basis of secret information that the petitioner along with other co-accused persons was unloading illicit liquor from a truck (Tata 407) standing in front of the



house of the petitioner, proceeded towards the place of occurrence and recovered 1097.250 litres of illicit foreign liquor and 1900 Kg. sweet potato (*Shakarkand*) from the same.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that the petitioner has got no criminal antecedent and from perusal of the seizure list and the First Information Report, it would be evident that the name of the petitioner has come merely on the basis of secret information and disclosure of his name by Mahal Chaukidar. Learned counsel also submits that the truck was parked near the public road and the petitioner has no concern with the said truck. Learned counsel next submits that no illicit liquor has been recovered either from conscious possession of the petitioner or the premises or the vehicle belonging to him. The petitioner is in custody since 7.10.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that petitioner is not the owner of truck from where the illicit liquor has been recovered and he is in custody since 7.10.2020 having no criminal antecedent as well as charge sheet has



already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds 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 Maniyari P.S. Case No. 239 of 2020.

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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