

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60521 of 2021**

Arising Out of PS. Case No.-566 Year-2020 Thana- NARPATGANJ District- Araria

KAMAL HUSAIN @ KAMAL S/o Md. Ismail Resident of Dalkhola
(Daulatpur), P.S.- Baisi, District- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

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

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Narpatganj P.S. Case No. 566 of 2020 for the offence registered
under Sections 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of huge quantity
of illicit liquor from a truck and the khalasi of the said truck is
stated to have taken the name of the petitioner to be the person
who had loaded the illicit liquor in question.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 18.06.2021.
The learned counsel for the petitioner has referred to paragraph-
7 of the present petition to submit that the petitioner is neither



the owner of the truck in question nor that of the illicit liquor seized from the said truck.

Per contra, the learned counsel 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 is neither the owner of the truck in question nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Araria in connection with Special Case No. 1110 of 2020 arising out of Narpatganj P.S. Case No. 566 of 2020.

(Mohit Kumar Shah, J)

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