

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22149 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- BHAGWANPUR District- Begusarai

PANCHMANI KUMAR Son of Satya Narayan Kunwar Resident of village -
Pidhauri, P.S.- Teghra, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Bhagwanpur (Teyay O.P.) PS case no. 162 of 2021 instituted for the offences punishable under Sections 120(B) of the Indian Penal Code and 30(a), 41(1)(2) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The case of the prosecution in brief is that the informant upon receiving secret information that illicit liquor is being unloaded at Nawada Chakka Par road, he along with other police personnel had conducted a raid at the said place of occurrence and apprehended one Sumo vehicle along with the co-accused person namely Rakesh Kumar and upon search, 51 cartons of illicit foreign liquor was recovered. For the said



incident, one Teghra PS case no. 244 of 2021 was registered. The apprehended co-accused person was then interrogated by the police and he had disclosed about the identity of the other co-accused persons who were having complicity in the alleged occurrence. Thereafter, the police force had reached at Nawada Chowk where they found one truck parked, from which 6-7 accused persons were unloading illicit liquor and keeping the same in one Alto car. Thereafter, the police had apprehended the said truck and one Alto car and arrested one co-accused person namely Rajeev Kumar Choudhari and on search, 840.96 liters of illicit liquor was recovered. Upon interrogation, the said accused person had disclosed the name of other co-accused person including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 05.03.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case as also illegally remanded in Teghra PS case no. 244 of 2021 on account of his bad antecedent and him being accused in similar type of cases. It is also submitted that in the present case, neither the petitioner was arrested from the spot nor he is the owner of the truck in question nor that of the Alto car. Lastly, it is



submitted that no illicit liquor has been recovered from the conscious possession of the petitioner.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the Alto car or the truck in question belongs to the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Excise Court-1, Begusarai in connection with Bhagwanpur PS case no. 162 of 2021.

(Mohit Kumar Shah, J)

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