

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36772 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- RAJNAGAR District- Madhubani

1. RAMBABU PASWAN MUSAHAR DAS @ MUSAHARU DAS Resident of Village- Kasiyauna, P.S.- Rajnagar, Dist- Madhubani.
2. Kari Kumar Das S/o Musahar Das @ Musaharu Das Resident of Village- Pilakhwar, P.S.- Rajnagar, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-01-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Rajnagar Police Station Case No. 113 of 2021, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that the petitioner no. 1 has brought consignment of illicit liquor, proceeded towards the place of occurrence and recovered a total quantity of 855 litres of illicit liquor and 84 litres of beer from



one TATA Safari vehicle, which was being unloaded and also seized three motorcycles.

Learned Counsel for the petitioners submits that the petitioners have got no criminal antecedent and they have falsely been implicated in this case with oblique motive. He further submits that the petitioners are not the owner of the TATA Safari vehicle; however, the petitioner no. 2 is the owner of one of the motorcycles, which has allegedly been parked near the place of occurrence and no illicit liquor has been recovered from the motorcycle in question. He further submits that the petitioners are in custody since 30.04.2021 and charge sheet has been submitted against the petitioners and as such, there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioners have got no criminal antecedent, charge sheet has already been submitted, no illicit liquor has been recovered from the conscious possession of the petitioners, and the petitioners are in custody since 30.04.2021, I am inclined to grant regular bail to the petitioners.



This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Rajnagar Police Station Case No. 113 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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