

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28941 of 2022

Arising Out of PS. Case No.-104 Year-2020 Thana- MINAPUR District- Muzaffarpur

Mahesh Rai, Son of Late Ram Udar Rai R/o- Village- Talimpur P.S.-
Meenapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Advocate.
For the State	:	Mr. Vikash Kumar, SC-11.
		Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 16-11-2022 Heard Mr. Jitendra Kumar Giri, learned counsel
appearing on behalf of the petitioner, Mr. Vikash Kumar, learned
SC-11 and Mr. Ajit Kumar, learned APP for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was released on provisional bail vide order dated 19.10.2022 and he informs that in compliance of the order dated 19.10.2022, a report was directed to be furnished by learned Exclusive Special Judge, Excise, Muzaffarpur with respect to the owner of the vehicle bearing Registration No. BR-06-BC-4417. From perusal of the report, it would appear that the owner of the said vehicle is one Lal Babu Thakur, Son of Jageshwar Thakur, resident of Village + Post – Chhajan Harishankar. Petitioner is not connected with said Jageshwar Thakur nor he has stolen the said motorcycle. Learned counsel



further submits that the accused persons named in the F.I.R. have already been released on bail and in this regard he has brought on record the orders passed by the co-ordinate Benches vide Annexure-3 Series. He further submits that no progress has taken place in conduct of the trial and as such provisional bail granted to the petitioner may be made absolute.

Learned counsel appearing on behalf of the State submits that huge quantity of foreign liquor was recovered from inside the house of the petitioner and it would not be proper to enlarge the petitioner on bail considering the fact that Muzaffarpur District has become den of smugglers who are involved in trade of illicit liquor. He further submits that the conduct of the petitioner is also not fair as on earlier occasion he had moved before this Court by filing Cr. Misc. No. 48788 of 2021 in which he had not given details of criminal cases pending against him. In light of the order dated 26.04.2022, the present bail application has been filed by the petitioner. It is informed that the State has taken measures to stop supply chain and the petitioner from whose house huge quantity of foreign liquor was recovered evidently shows that he is prima facie involved in smuggling of liquor and its manufacturing.

Having considered the rival submissions of the



parties, the report submitted by the learned Exclusive Special Judge, Excise, Muzaffarpur reveals that the motorcycle bearing Registration No. BR-06-BC-4417 is registered in the name of one Lal Babu Thakur, learned counsel appearing on behalf of the petitioner has made specific submission that the petitioner is nowhere concerned with the said Lal Babu Thakur or said motorcycle which was seized parked near the house of the petitioner was stolen one, the petitioner has remained in custody since 18.04.2021, the provisional bail granted to the petitioner vide order dated 19.10.2022 is confirmed on similar terms and conditions as contained in the said order and accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

