

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41737 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- BIBHUTIPUR District- Samastipur

SHUBHAM KUMAR @ MANNU S/O LATE SITA RAM SINGH R/o
village- Patailiya, P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No.1, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Damodar Prasad Tiwary.

The petitioner seeks regular bail in connection with Bibhutipur P.S. Case No. 379/2020, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and



Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from three vehicles.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.3.2021. The learned counsel for the petitioner has referred to paragraphs no. 8 and 9 of the present petition to submit that the petitioner is neither the owner nor the driver of the vehicles in question from which the illicit liquor was seized by the police. It is further submitted that no illicit liquor has been recovered from the conscious possession of the petitioner.

Per contra, the learned APP 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 no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner has categorically stated in the present petition that he is neither the owner nor the driver of the said vehicles in question from which illicit liquor has been recovered, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge cum Special Judge Excise Samastipur in connection with Bibhutipur P.S.Case No. 379/2020.

(Mohit Kumar Shah, J)

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