

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40778 of 2021

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

GANESH SINGH @ GANESH KUMAR SINGH @ BOGAN S/O
PURSUSHOTTAM SINGH RESIDENT OF VILLAGE-SAKHMOHAN, P.S-
VIBHUTIPUR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

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

The allegation is regarding recovery of 2816.640 litres
of illicit liquor from three vehicles.

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 20.03.2021.
The learned counsel for the petitioner has further submitted by
referring to paragraph nos. 9 and 10 of the present petition that the
petitioner is neither the owner nor the driver of the vehicles in
question and he has been falsely implicated in the present case on
account of disclosure made by the village Chaukidar who has



inimical terms with the petitioner. It is next submitted that no illicit liquor has been recovered from the conscious possession of the petitioner.

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 vehicles 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 Session Judge cum Special Judge Excise, Samastipur in connection with Vibhutipur P.S. Case No. 379 of 2020.

(Mohit Kumar Shah, J)

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