

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41764 of 2021**

Arising Out of PS. Case No.-340 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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SANJAY KUMAR S/o Raj Mangal Mishra Resident of Village- Naga Road,  
New Kali Mandir, Raxaul, P.S.- Raxaul, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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**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.

The petitioner seeks regular bail in connection with Motipur PS case no. 340 of 2020 instituted for the offences punishable under Sections 30(a), 41(1)(2) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 276.480 liters of illicit foreign made liquor from a Xylo vehicle. It is further alleged that the registration of the vehicle in question was found to be in the name of the petitioner, upon inquiry



being made from the District Transport Office.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 13.04.2021. The learned counsel for the petitioner has further submitted by referring to Annexure 2 to the present petition that the petitioner had sold the said vehicle in question, way back in the year 2015 to one Ravi Bhushan Gupta, hence he cannot be saddled with the liability of the illicit liquor being recovered from the said vehicle.

*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 no illicit liquor has been recovered from the conscious possession of the petitioner and moreover, the petitioner is stated to have sold the vehicle in question, way back in the year 2015, 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 Special Judge (Excise), Muzaffarpur in connection with Motipur PS case no. 340 of 2020.

**(Mohit Kumar Shah, J)**

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