

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45250 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

DEEPAK RAI @ DIPAK RAI Son of Shiv Shankar Rai Resident of Village -
Kritpura, P.S.- Buxar (M), District - Buxar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Buxar (M) P.S. Case No. 122 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 235.600 litres
of illicit liquor from a Maruti Ecco van and the petitioner was
arrested from the spot.

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 he is languishing
in custody since 26.03.2021. The learned counsel for the
petitioner has referred to paragraph no. 7 of the present petition
to submit that the petitioner is neither the driver nor the owner
of the said Marui Ecco van. It is also submitted that the



petitioner was merely a passenger in the van in question.

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 has categorically stated in the present petition that he is neither the driver nor the owner of the vehicle in question from where illicit liquor has been recovered apart from the fact that he is having a clean antecedent and is languishing in custody since a long time, 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 A.D.J.-2nd-cum-Special Judge, Excise, Buxar in connection with Buxar (M) P.S. Case No. 122 of 2020/CIS No. 1377 of 2021.

(Mohit Kumar Shah, J)

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