

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42868 of 2021

Arising Out of PS. Case No.-391 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SUNIL KUMAR Son of Bindeshwar Mahto Resident of Village- Rambagh
Near Mai Asthan, P.S.- Mithanpura, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratima Kumari, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 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, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Muzaffarpur Town P.S. Case No. 391/2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.



The allegation is regarding recovery of 122.250 liters of illicit liquor from the cowshed of the co-accused person, namely, Pathlu Rai. It is further alleged that the petitioner and other co-accused persons are also actively engaged in the illicit trading of liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 3.6.2021. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, but the same has been recovered from the cowshed of the co-accused person, namely, Pathlu Rai, hence the petitioner has been falsely implicated in the present case.

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 either from the conscious possession of the petitioner or from his house and in fact, the illicit liquor has been recovered from the cowshed of the co-accused person, namely, Pathlu Rai, apart from the fact that he is having a clean antecedent, 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 Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur P.S. Case No. 391/2021.

(Mohit Kumar Shah, J)

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