

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43807 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- BHAWANIPUR District- Purnia

RAJEEV KUMAR SAH @ RAJEEV SAH Son of Dhodhai Sah Resident of
Village - Priyankar Sondip, P.S.- Bhawanipur, Distt.-Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Mr. Md. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2022 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, Md. Akbar Ali.

The petitioner seeks regular bail in connection with Bhawanipur P.S. Case No. 207/2020, registered for the offence punishable under Sections 272, 273, 120(B) 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 a truck, two maruti vehicles and one motorcycle. It is alleged that some of the co-accused persons were arrested from the spot and a country made pistol was recovered from the co-accused person, namely, Kundan Kumar. Upon interrogation, the arrested co-accused persons disclosed that the petitioner is the person, who was engaged in the illicit trade of foreign liquor and he had hid the illicit foreign liquor in the truck beneath a heap of stone chips.

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 7.4.2021. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to abide by such conditions as may be imposed by this Court for the purposes of grant of bail.

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 the petitioner has not been arrested from the spot, it has been categorically stated in paragraph no. 9 of the present petition that he is not the owner of the truck / maruti vehicle / motorcycle in question, he has been falsely implicated in the present case merely on the disclosure made by the arrested co-accused persons, though, I direct for release of the petitioner on bail, however, subject to the conditions that in case, the petitioner is implicated in a similar type of case for the offence punishable under the provisions of the Bihar prohibition and Excise Act, 2016 henceforth, the present privilege of bail being granted to the petitioner shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

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 Excise Judge, Purnea in connection with Bhawanipur P.S. Case No. 207/2020, however, subject to the aforesaid additional condition.

(Mohit Kumar Shah, J)

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