

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42794 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- MAHINDWARA District- Sitamarhi

AJIT KUMAR @ AJEET KUMAR S/o Late Mahesh Rai R/o Village - Munni
Bangri @ Muni Bangri, P.S. - Piya, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mahindwara Police Station Case No. 51 of 2021, registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30/30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that a huge quantity of liquor was being unloaded and loaded in several vehicles, proceeded towards the place of occurrence and recovered a total quantity of 1234.155 litres of illicit liquor from four vehicles (433.44 litres of illicit liquor from a truck, 663 litres of illicit liquor from a pick-up van, 49.875 litres of illicit



liquor from a Maruti Suzuki car and 87.84 litres of illicit liquor from a Indica car) and the petitioner is alleged to be the driver of the truck, in question.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case merely because he is the driver of the truck, in question. He further submits that the truck, in question, was a commercial vehicle and the petitioner was not aware about the illicit liquor being kept in the truck by the owner and the truck was being plied by the petitioner on the instruction of its owner. He further submits that the petitioner is in custody since 26.03.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, he is in custody since 26.03.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Sitamarhi, in connection with Mahindwara Police Station Case No. 51 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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