

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36628 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rohit Kumar Son Of Ram Punit Mahto @ Punit Mahto R/O- Vill.- Bathua,
Tola- Sihma, P.S.- Musrigharari, Dist.- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Samastipur (Muffasil) P.S. Case No. 93 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, a Bolero pick-up-van was intercepted and its driver was apprehended. From the said pick-up-van total 449.280 liters India made foreign liquor was recovered. The petitioner is stated to be the owner of the



vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The liquor has not been recovered from the conscious possession of the petitioner. He has been made accused only due to the fact of that he is the owner of the Bolero pick-up-van but the same was under the control of the driver and the petitioner had no knowledge about the consignment loaded on it. The present case is of the year 2020 and the said vehicle was released in favour of this petitioner. After two years, the petitioner was arrested all of sudden and he is in custody since 11.06.2022. The co-accused Mukesh Kumar who was apprehended from the spot, has already been granted bail vide order dated 14.05.2020 passed in Cr. Misc. No. 18725/2020. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that no recovery has been shown from the conscious possession of this petitioner who is stated to be the owner of the vehicle and the person apprehended from the spot has also been granted bail, the petitioner above named is



directed to 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 Special Judge Excise Court-1, Samastipur in connection with Samastipur (Mufassil) P.S. Case No. 93 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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