

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47725 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DAUDNAGAR District- Aurangabad

LAL BABU Son of Ramji Saw Resident of village - Kuccha Gali, WArD No. -21, P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 Heard.

The petitioner seeks regular bail in connection with Daudnagar P.S. Case No. 272 of 2021, registered for the offence punishable under sections 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a), 34, 36, 41(1) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 4575 liters of illicit liquor from a truck. The said truck was also being followed by a small car and the police had intercepted both the said truck and car. It is further alleged that the petitioner was apprehended from the car in question, which,



according to the case of the prosecution, was providing protection to the said truck which was carrying illicit liquor.

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 is languishing in custody since 21.5.2021. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the car in question in which the petitioner was sitting nor any illicit liquor has been recovered from the conscious possession of the petitioner. It is also submitted that neither the car nor the truck in question belongs to the petitioner. It is next submitted that a similarly situated co-accused person has already been granted bail by this Court vide order dated 5.1.2020 passed in Cr. Misc. No. 42038 of 2021.

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 parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Addl. District and Sessions Judge-II-cum- Special Judge (Excise), Aurangabad in connection with G. R. No. 641/ 2021, arising out of Daudnagar P.S. Case No. 272 of 2021.

(Mohit Kumar Shah, J)

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