

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48133 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- BEUR District- Patna

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MANNU KUMAR (DRIVER) Son of Bangali Paswan @ Vijay Paswan
Resident of Village- Sharma, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 2, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard the learned counsel for the petitioner and

Sri Sanjay Kr. Pandey, the learned APP for the State.

The petitioner seeks regular bail in connection
with Beur PS case no. 295 of 2021 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016/ Bihar Prohibition and Excise (Amendment)
Act, 2018.

The allegation is regarding recovery of 150
liters of illicit liquor from a Wagon-R vehicle and 10 liters of
illicit liquor from a motorcycle after the police had
apprehended the said vehicles and conducted search. The
petitioner along with other accused persons are stated to have
been arrested from the spot.



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 09.07.2021. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 7 of the present petition that the petitioner is neither the owner of the Wagon-R vehicle nor that of the motorcycle in question. Lastly, it is submitted that the petitioner has been implicated in the present case merely on suspicion.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner has categorically averred in paragraph no. 7 of the present petition that neither the Wagon-R vehicle nor the motorcycle in question belongs to him, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to



the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise Act, Patna in connection with Beur PS case no. 295 of 2021.

(Mohit Kumar Shah, J)

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