

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49349 of 2021

Arising Out of PS. Case No.-164 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SANTOSH SAH Son of Late Raghunath Sah Resident of Village - Chakiya,
Teacher Colony, P.S.- Chakiya, District - East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party/s :		Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273, 120B and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 4400 litres of spirit was recovered from a truck on search and the driver of the vehicle was taken into custody. It is further stated that on inquiry the driver disclosed that the spirit was meant for 4 to 5 other accused persons including the petitioner herein and the owner of the truck was one Niraj Kumar.

It is submitted by learned Senior Counsel appearing for the petitioner that neither the petitioner was arrested at the



spot nor any incriminating article has been recovered from his possession. He has no concern either with seized spirit or with the truck in question. The cause of his false implication is his antecedents. He is in custody since 22.6.2021 and charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner not having any criminal antecedent and having remained in custody for 8 months, the Court directs the petitioner to be enlarged on bail in connection with Sadar P.S. Case no 164 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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