

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40318 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- MITHANPURA District- Muzaffarpur

RAUSHAN KUMAR S/o Ganesh Chaudhary R/o Village - Ganeshpur
Maiasthan, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kr. Arya
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mithanpura P.S. Case No. 221 of 2021 registered for the offence
under Sections 414 and 34 of the Indian Penal Code and
Sections 30(a)/32(ii)/41(i) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.05.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
1653.63 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made in chain of 3 or 4 vehicles, out of which, petitioner is alleged to be owner of one Auto/Tempo, bearing Registration No.BR06G-9149. It is also submitted that the said vehicle was sold long back to one Bipin Kumar, details of which is annexed with Annexure No.2 of this petition and as still registration certificate of alleged vehicle is standing in the name of this petitioner, he has falsely been implicated in the present case. It is also submitted that admittedly, the recovery of illicit liquor was not made from conscious physical possession of the petitioner, who is a man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as implication of petitioner is only due to registered owner of alleged vehicle, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Mithanpura P.S. Case No. 221 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



learned Exclusive Special Judge Excise 1,
Muzaffarpur/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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