

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49735 of 2021

Arising Out of PS. Case No.-749 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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BANTEE KUMAR Son of Mithilesh Singh Resident of Village -
Sahookarma, P.S.- Kasma, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with
Excise case no. 749 of 2021 instituted for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The allegation is regarding recovery of 1715 liters
of illicit liquor from a truck and the petitioner is stated to have
been arrested from the truck.

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 16.06.2021. The learned counsel for
the petitioner has also referred to paragraph no. 11 of the present



petition to submit that neither the petitioner is the driver nor the co-driver nor the owner of the truck in question.

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 moreover, the petitioner is neither the driver nor the co-driver nor the owner of the truck in question, apart from the fact that he 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 Chief Judicial Magistrate, Aurangabad in connection with Excise case no. 749 of 2021.

(Mohit Kumar Shah, J)

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