

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50412 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- PATORI District- Samastipur

SHIVAM KUMAR Son of Mr. Arjun Choudhary Resident of village -
Dakshini Dumri, P.S. - Patori (Mohanpur O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shahpur Patori (Mohanpur O.P.) P.S. Case No. 199 of 2021 for
the offence registered under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 1346.325 litres
of illicit liquor from a truck and 239.625 litres of illicit liquor
from the house of the co-accused person, namely, Arjun
Chaudhary. The petitioner is stated to have been apprehended
from the spot and it is alleged that the petitioner was engaged in
loading and unloading of the illicit liquor from the truck in
question.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 13.06.2021. The learned counsel for the petitioner has further submitted that at best the petitioner can be stated to be a labour engaged in loading and unloading of the liquor in question, however, he is neither the owner of the truck in question nor the owner of the liquor in question, which has been seized from the place of occurrence, hence apparently the petitioner is not having any complicity in the matter.

Per contra, the learned counsel 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 petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither the owner of the truck in question nor any recovery of illicit liquor has been made from the house of the petitioner apart from the fact that he is having a clean antecedent and is languishing in custody since about eight months, I deem it fit and proper to direct for release of the petitioner herein on regular bail.



Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge Excise, Samastipur in connection with Shahpur Patori (Mohanpur O.P.) P.S. Case No. 199 of 2021.

(Mohit Kumar Shah, J)

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