

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50920 of 2021

Arising Out of PS. Case No.-391 Year-2020 Thana- DARIYAPUR District- Saran

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DINESHWAR RAI @ DINESHWAR PRASAD RAI Son of Late Nanda Rai
@ Nandlal Rai Resident of Village- Ibrahimpur, P.S.- Dariyapur, District-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Dariyapur P.S. Case No. 391/2020, registered for the offence punishable under Section 120(B) of the Indian Penal Code and Section 30(a), 34, 36, 38, 40 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 1510 liters of illicit liquor from a truck and upon interrogation, the driver of the truck had disclosed the name of the petitioner and others to be having complicity in the alleged trade of illicit



liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 6.8.2021. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the truck in question belongs to the petitioner, hence, apparently, the petitioner is having no complicity in the alleged recovery of the illicit liquor.

Per contra, the learned APP 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 neither any illicit liquor has been recovered from the conscious possession of the petitioner



nor the truck in question belongs to the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Dariyapur P.S. Case No. 391 of 2020.

(Mohit Kumar Shah, J)

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