

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57514 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. ROHIT RANA Son of Shri Jagbir Singh Resident of Village - Sawal, P.S. - Sawal, District - Rohtak, State - Haryana Present address of Mohalla - Gopalnagar, P.S. - Nazafgadh, District - South East Delhi
2. Nishant Roila Son of Shri Devendra Rohilla Village - Lakariya, District - Rohtak, State - Haryana Present address of Mohalla - Gopalnagar, P.S. - Nazafgadh, District - South East Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh
For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Gaighat Police Station Case No. 224 of 2021, registered for the offences punishable under Sections 272/273/34 of the Indian Penal Code and Sections 30(a)/36/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, after getting secret information that a truck along with one swift dzire car was parked near the line hotel, in which potato and illicit liquor has been kept and the accused persons were also sitting in the said line hotel,



proceeded towards the place of occurrence and upon seeing the police party, the accused persons started fleeing away, however, the petitioners, along with other co-accused persons, were arrested by the police and a total quantity of 2966.4 litres of illicit liquor was recovered from the truck and 86.422 litres of illicit liquor was recovered from the swift dzire car, parked near the said line hotel.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case by the police inasmuch as the petitioners, along with his friends, were sitting in the said line hotel. He next submits that the petitioners are neither the owner nor driver of the truck/swift dzire car. He further submits that similarly situated co-accused persons, namely, Deepak Kumar (vide order, dated 01.04.2022, passed in Criminal Misc. No. 50967 of 2021) and Ajay Kumar (vide order, dated 29.04.2022, passed in Criminal Misc. No. 52282 of 2021) have been granted bail by this Court. He further submits that the petitioners are in custody since 01.07.2021 and charge sheet has been submitted against them and as such, there is no likelihood that the petitioners will abscond and/or tamper with the evidence.



Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioners are neither the owner nor the driver of the truck/swift dzire car, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioners are in custody since 01.07.2021, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Gaighat Police Station Case No. 224 of 2021, subject to the condition that one of the bailors shall be of the Muzaffarpur district.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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