

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57410 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- MASHRAK District- Saran

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MOTILAL RAI @ MOTILAL MUKHIYA Son of Ugrim Mukhiya Resident
of Village- Pipara Bindtoli, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Natraj Verma, Adv.

Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner seeks regular bail in connection with

Mashrakh Police Station Case No. 425 of 2021 registered for

the offences punishable under Sections 30 / 30(a) / 38 / 41 of the

Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the First Information

Report is that the police on the basis of secret informant arrived

at Singh Line Hotel, Bangra and saw that one loaded truck was

standing there and four motorcycles were parked near the truck

and some persons were also standing near the Singh Line Hotel.



Upon seeing the police party the accused persons started fleeing away but five persons were arrested by the police including the petitioner. The police recovered 8000 litres of spirit from the truck in question.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as petitioner along with his sons was returning on his motorcycle and had stopped at the Singh Line Hotel for some refreshment, in the meanwhile, police came there and he along with his sons were arrested by the police. He further submits that the petitioner is neither the owner nor the driver of the truck and nothing has been recovered from his conscious possession and / or vehicle belonging to him. He further submits that the petitioner is a farmer and does farming to earn his livelihood. He further submits that the petitioner is in custody since 13.08.2021, charge sheet has already been submitted and as such there is no likelihood that the petitioner will abscond and / or tamper with the evidence if released on bail. He next submits that similarly situated co-accused / Deepak Kumar Raj and Rajan Kumar have been enlarged on bail by this Court in Cr. Misc. Nos. 54505 of 2021 & 57334 of 2021 respectively.

Regards being had to the submissions made on behalf



of the parties and taking into consideration the materials on record, the fact that no material has come during the course of investigation that the petitioner is either the owner or the driver of the truck, nothing has been recovered from the possession of the petitioner and / or motorcycle belonging to him, he is in custody since 13.08.2021, charge sheet has already been submitted and similarly situated co-accused has been granted bail by this Court, and as such, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge (Excise Act) Saran at Chapra in connection with Mashrakh P.S. Case No. 425 of 2021.

(Anil Kumar Sinha, J)

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