

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57334 of 2021

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

RAJAN KUMAR Son of Motilal Mukhiya Resident of Village - Pipara
Bindtoli, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Natraj Verma,
Mr. Naresh Chandra Verma
For the Opposite Party/s : Mr. Rana Randhir Singh

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 the 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 also recovered 8000 litres of spirit from the truck in question.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner along with his brother was returning on his motorcycle and had stopped in the Singh Line Hotel for some refreshment, in the mean while, police came there and he along with his brother was 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 student and is preparing for competitive examination. He further submits that the petitioner is in custody since 13.08.2021, charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and / or tamper with the evidence. He next submits that similarly situated co-accused / Deepak Kumar Raj has been enlarged on bail by this Court in Cr. Misc. No. 54505 of 2021.

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, the petitioner is a student, 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, 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. 20,000/- (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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