

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57942 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- FATUA District- Patna

1. AJEET KUMAR @ PAPPU S/o- LATE VINOD PRASAD Resident of Village- Bankipore Gorakh, Ganjpar, P.S.- Fatuha, District- Patna.
2. CHITRANJAN KUMAR Son of Yogendra Prasad @ Yogendra Singh Resident of Village- Rasalpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021 for the offence registered under Sections 30(a) and 56(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 792 litres of illicit liquor from two Bolero vehicles.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and they are languishing in custody since 08.07.2021. The learned counsel for the petitioners has further



submitted that the petitioners were arrested in one other case i.e. Bypass P.S. Case No. 38 of 2021 on 17.04.2021 and after getting the privilege of Section 167(ii) Cr.P.C., were remanded in the present case on 08.07.2021. It is also submitted that the petitioners have not only been remanded in the present case but have also been made accused in other cases without any rhyme or reason. The learned counsel for the petitioners has next submitted that merely on suspicion and upon information stated to have been collected by the police, the petitioners have been falsely implicated in the present case although the petitioners have got no role to play in the present case inasmuch as they are neither the owner of the Bolero vehicles in question nor any illicit liquor has been recovered from their conscious possession.

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 petitioners and taking into account the materials available on record as also considering the fact that the vehicles in question from which illicit liquor has been recovered, does not belong to the petitioners and the petitioners have been



remanded in the present case after they were arrested in one Bypass P.S. Case No. 38 of 2021, in which they have already been granted bail apart from the fact that no illicit liquor has been recovered from the conscious possession of the petitioners, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021.

(Mohit Kumar Shah, J)

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