

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59475 of 2021

Arising Out of PS. Case No.-767 Year-2019 Thana- KUDHNI District- Muzaffarpur

NARESH SAH @ NARESH KUMAR S/o BHADAI SAH R/o VILLAGE-
CHANDRAHIYA, P.O.- CHADHUA, P.S.-KUDHANI (TURKI O.P.),
DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kudhani (Turki O.P.) P.S. Case No. 767 of 2019 for the offence
registered under Sections 188, 272, 273/34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 97.170 litres
of illicit liquor from a hut and a *pokhar* situated in front of the
house of the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 24.07.2021.
The learned counsel for the petitioner has further submitted by
referring to paragraph no. 11 of the present petition that the said
hut and *pokhar* do not belong to the petitioner, hence the



petitioner is not having any complicity in the matter.

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 petitioner and taking into account the materials available on record as also considering the fact that the hut and *pokhar* in question from where the illicit liquor has been recovered do not belong to the petitioner and actually the same are situated in front of the house of the petitioner apart from the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 767 of 2019.

(Mohit Kumar Shah, J)

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