

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61051 of 2021**

Arising Out of PS. Case No.-477 Year-2020 Thana- NARPATGANJ District- Araria

KAMAL HUSAIN @ KAMAL Son of Md. Ismail Resident of Dalkhola
(Daulatpur), P.S.- Baisi, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 11-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 41, 47, 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the truck in question was seized, the driver and *khalasi* of the truck were taken into custody and on search 2556 litres of liquor was recovered. It is further stated that on their disclosure three other accused persons were arrested from a car. It is further stated that the driver and *khalasi* disclosed that the liquor found on the truck had been got loaded by the petitioner and one Vicky Yadav.

It is submitted by learned counsel for the petitioner that from the contents of the FIR itself neither the petitioner was arrested at the spot nor any incriminating article has been



recovered from his possession. He has been falsely implicated in the case because of his antecedents. He has no concern with the seized liquor nor with the vehicle in question. The petitioner is in custody since 29.4.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot together with the petitioner not having any criminal antecedent and having remained in custody for over 11 months, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.890 of 2020 (arising out of Narpatganj P.S.Case no. 477 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge (Excise Act), Araria.

(Partha Sarthy, J)

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