

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61588 of 2021

Arising Out of PS. Case No.-249 Year-2019 Thana- BELDOUR District- Khagaria

Uday Kumar Singh Son Of Babajan Singh R/O Village- Ballamjan Sirjuwa
Babu Bagicha, P.S.- Maheshkhunt, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022

Heard.

The petitioner seeks regular bail in connection with Beldour P.S. Case No. 249 of 2019, registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

The allegation is regarding recovery of 524 liters of illicit liquor from a tractor and three co-accused persons were arrested from the spot, who had named their accomplice as also the owner of the tractor in question to be one Birbal Singh. However, subsequently during the course of investigation, it transpired that the petitioner is the owner of the said tractor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case and is languishing in custody since 19.08.2021. The learned counsel for the petitioner has referred to paragraph No. 15 of the present petition to submit that the seized tractor and trailer had been purchased by the petitioner for agriculture purpose on loan and on the fateful day, the brother-in-law of the petitioner namely Birbal Singh had taken the aforesaid tractor for ploughing the land, however, he misused the same by carrying illicit liquor on it, which is also apparent from the FIR in question.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that in the FIR also, the brother-in-law of the petitioner has been named to be the person who was using the tractor in question from which illicit liquor has been recovered, apart from the fact that the petitioner has been implicated in the present case only after three months of lodging of the FIR, merely on the ground that he is stated to be the owner of the tractor in question as also, he is languishing in



custody since about 6 months, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Khagaria in connection with Beldour P.S. Case No. 249 of 2019.

(Mohit Kumar Shah, J)

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