

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62007 of 2021

Arising Out of PS. Case No.-402 Year-2021 Thana- SAKRA District- Muzaffarpur

MD. RIAZUL S/o Late Md. Rashid R/o- Gitalpara, Ward No. 40, P.S.- Bharta
Nagar, District- Jalpaiguri (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Sakra PS case no. 402 of 2021 instituted for the offences punishable under Sections 30(a), 41, 56(B) of Bihar Prohibition and Excise Act.

The case of the prosecution in brief is that the police had raided the house of one Chandra Mohan Rai, upon receiving secret information and from there, 27 liters of illicit liquor was recovered as also the petitioner was apprehended, who is stated to have been confined by the other co-accused persons in the said house of Chandra Mohan Rai. It is also alleged that upon interrogation by the police, co-accused person Chandra Mohan Rai had disclosed the names of the other



co-accused persons to whom he had sold the illicit liquor. It is also alleged that upon the petitioner being interrogated, the petitioner had disclosed that he used to bring illicit liquor from West Bengal and sell it to the said co-accused Chandra Mohan Rai, however, on account of certain dispute having erupted with regard to the price of the illicit liquor, he was confined in the house of Chandra Mohan Rai

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 12.08.2021. The learned counsel for the petitioner has further submitted that neither the house belongs to the petitioner nor any illicit liquor has been recovered from his conscious possession and the fact remain that the petitioner was illegally confined by the co-accused persons, hence no offence, as alleged, is made out.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that admittedly, illicit liquor



has been recovered from the house of co-accused person namely Chandra Mohan Rai who has already been granted bail, as submitted by the learned counsel for the petitioner apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 09 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise, Muzaffarpur in connection with Sakra PS case no. 402 of 2021.

(Mohit Kumar Shah, J)

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