

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62215 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

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HARI RAI Son of Late Ram Vilas Rai Resident of Village- Baliya Indrajit,
P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate
	:	Mr. Pravin Kumar, Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with Bochahan PS case no. 97 of 2020 instituted for the offences punishable under Sections 272, 273 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding the police having received secret informant that the accused persons including the petitioner herein had brought huge quantity of liquor in a truck and were unloading the same, whereafter the police had reached at the spot and two accused persons were arrested while others managed to flee away. It is further alleged that the driver and cleaner of the truck were arrested and upon search, 924.480



liters of illicit liquor was recovered from the truck in question.

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 23.08.2021. The learned counsel for the petitioner has further submitted that though the petitioner is accused in other criminal cases, however, in most of them, he is on bail. It is also submitted that the petitioner has been falsely implicated in the said cases although he was/ is not having any complicity in the said cases. It is further submitted that as far as the petitioner is concerned, he has neither been arrested from the spot nor the truck in question belongs to him nor the illicit liquor has been recovered from his conscious possession, however, only on account of his bad antecedent, he has been falsely implicated in the present case merely on suspicion.

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 neither any illicit liquor has been recovered from the conscious possession of the



petitioner nor the truck in question belongs to the petitioner nor the petitioner has been arrested from the spot, 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 Bochahan PS case no. 97 of 2020.

(Mohit Kumar Shah, J)

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