

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61522 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- SUPPI District- Sitamarhi

NIRAJ KUMAR SINGH Son of Lalan Singh Resident of Village - Basant
Khurd, P.S. - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 31-01-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Suppi
P.S. Case No. 60 of 2021 for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

The allegation is regarding recovery of 265.500 litres of
illicit Nepali Saufi wine from a tempo and the co-accused
person namely Vir Sakal Yadav was apprehended by the police,
who, upon interrogation had disclosed the name of the petitioner
to be the person who was also engaged in the illicit trade of
liquor.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 17.08.2021. The learned counsel for the



petitioner has further submitted by referring to paragraph no. 10 of the present petition that the petitioner has got no concern either with the illicit liquor or with the tempo in question and he has also not been arrested from the spot, as far as the present case is concerned, nonetheless, he has been falsely implicated in the present case merely on the basis of disclosure made by the arrested co-accused person.

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 petitioner and taking into account the materials available on record as also considering the fact that the tempo in question from which illicit liquor has been recovered is not stated to be belonging to the petitioner and moreover the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from his vehicle apart from the fact that the petitioner has not been arrested from the spot, I deem it fit and proper to direct for release of the petitioner 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 Additional District & Session Judge
(Excise), Sitamarhi in connection with Suppi P.S. Case No. 60
of 2021.

(Mohit Kumar Shah, J)

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