

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62736 of 2021

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

SACHIN KUMAR @ SHINTU S/o Raj Narayan Rai @ Bhup Narayan Rai
R/o Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-04-2022 Heard.

The petitioner seeks regular bail in connection with Bochahan P.S. Case No. 97 of 2020, registered for the offence punishable under sections 272/ 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution is that the informant received a secret information that some persons are unloading illicit liquor from a truck, whereafter, the informant along with other police officials had reached at the place of occurrence, however, upon seeing the police force, 5-6 persons started fleeing away, nonetheless, one person was apprehended. On search, 924.480 liters of illicit liquor was recovered from the said truck in question,



however, the petitioner was not apprehended from the spot, but it transpired that he was one of the person who had managed to flee away.

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 20.08.2021. The learned counsel for the petitioner has further submitted that similarly situated co-accused person namely Naresh Thakur has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 1.12.2021 passed in Cr. Misc. No. 8131 of 2021. It is also submitted that the petitioner has neither been arrested from the spot nor illicit liquor has been recovered from the conscious possession of the petitioner nor the truck in question belongs to him.

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 parity of the case of the petitioner with that of the co-accused person who



has already been granted bail by a co-ordinate Bench of this Court apart from the fact that neither any illicit liquor was recovered from the conscious possession of the petitioner nor the petitioner was arrested from the spot, 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 bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Muzaffarpur in connection with Bochahan P.S. Case No. 97 of 2020.

(Mohit Kumar Shah, J)

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