

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63459 of 2021**

Arising Out of PS. Case No.-300 Year-2021 Thana- PHULWARIYA District- Gopalganj

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HAFIZ ANSARI Son of Late Hadish Ansari @ Hadish Miya Resident of
Village- Tula Chhapar, P.S.- Gopalpur, District- Goplganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Parmeshwar Mehta

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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 Phulwariya P.S. Case No. 300/2021, registered for the offence punishable under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 126 liters of illicit liquor from a Honda City car and the petitioner is stated to have been apprehended from the said car.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.8.2021. The learned counsel for the petitioner has referred to paragraph 14 of the present petition to submit that the petitioner is neither the owner nor the driver of the vehicle in question, hence, he is having no complicity in the matter.

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 learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is not stated to be either the driver or owner of the vehicle in question, apart from the fact that he is having a clean antecedent and he is languishing in custody since about seven months, I deem it fit and proper to direct for release of the petitioner on



regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Phulwariya P.S. Case No. 300/2021.

(Mohit Kumar Shah, J)

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