

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53244 of 2022

Arising Out of PS. Case No.-449 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Rahul Seth @ Mohit Seth @ Mohit Kumar Seth Son Of Mahesh Kumar Seth
@ Mahesh Seth Resident Of At- Ck48/162 Harha, Raja Darwaja, P.S.- Chouk,
District- Varanasi (UTTAR Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Mohania (Kaimur) P.S. Case No. 449 of 2022 lodged under
Section 30(a)/41(1) of the Bihar Prohibition and Excise
Amendment Act.

As per the prosecution case, total recovery of 982.8
liter English wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 20.08.2022 having
clean antecedent and charge sheet has already been filed in this
case. He also submits that the said recovery was made from a
pick-up van and the owner and the driver were apprehended
from the place of occurrence. He submits that petitioner is a

stranger person to the said owner and driver and the cause of giving petitioner's name is that petitioner was working in a shop and co-accused Dilkush Kumar who was the driver of the vehicle, had a hot discussion with the petitioner due to which the owner of the apprehended vehicle had taken petitioner's name.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court-1-cum-Addl. District & Sessions Judge-IV, Kaimur, Bhabhua in connection with Mohania (Kaimur) P.S. Case No. 449 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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