

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68317 of 2021

Arising Out of PS. Case No.-288 Year-2021 Thana- MANJHI District- Saran

VIVEK KUMAR Son of Birju Paswan Resident of Village - Ismailpur, P.S.-
Hazipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard.

The petitioner seeks regular bail in connection with Manjhi P.S. Case No. 288 of 2021, registered for the offence punishable under sections 273, 34 of the Indian Penal Code and Sections 30 & 30(a) of Bihar Prohibition and Excise Act, 218.

The allegation is regarding recovery of 243 liters of english wine from a Bolero car and the petitioner was found sitting in the said car.

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 19.08.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 8 of the present petition that he is neither the owner nor the driver of the car in question,



hence no offence is made out against him under the provision of the Excise Act.

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 fact that the petitioner is neither the owner nor the driver of the bolero in question from which illicit liquor has been recovered apart from the fact that he is having a clean antecedent, 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 Additional Sessions Judge, 2nd cum Special Judge, Excise, Saran at Chapra in connection with Manjhi P.S. Case No. 288 of 2021.

(Mohit Kumar Shah, J)

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