

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69454 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- KARJA District- Muzaffarpur

RAHUL KUMAR Son of Mr. Kamlesh Thakur Resident of Village -
Rasulpur, P.S.- Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Karja P.S. Case No. 149 of 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, 2016-18.

The allegation is regarding the police having received secret information to the effect that six people were unloading illicit liquor from a truck and keeping the same in a pickup van, whereupon the police had arrived at the place of occurrence,



however, the accused persons had managed to flee away. Upon search, 3450.60 liters of illicit liquor was recovered from the truck in question and from the pickup van in question, 388.80 liters of illicit liquor was recovered. It is also alleged that upon inquiry, it transpired that the petitioner was also one of the person, who was engaged in unloading the illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that only after the petitioner was arrested in one other case, he has been remanded in the present case on 9.8.2021. The learned counsel for the petitioner has further submitted that only because the petitioner is having a bad antecedent, he has been falsely implicated in the present case and in fact, neither the petitioner is the owner of the truck in question nor the owner of the pickup van in question. Lastly, it is submitted that the



petitioner has not been arrested from the spot, hence, he cannot be saddled with the liability of the illicit liquor recovered from the said truck and the pickup van in question.

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 neither the owner of the truck in question nor the owner of the vehicle in question nor he has been arrested from the spot and his name has transpired in the present case merely upon the information received by the police, apart from the fact that he is languishing in custody since about nine 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 Special Judge Excise, Muzaffarpur in connection with Karja P.S. Case No. 149 of 2021.

(Mohit Kumar Shah, J)

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