

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70614 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- UJIYARPUR District- Samastipur

NIRAJ KUMAR Son of Late Chandeshwar Sah Resident of Village -
Satanpur, P.S.- Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-06-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a raid being conducted 24.57 litres of IMFL was recovered from the toilet of the coaccused Sunil Kumar and the petitioner was identified amongst the two accused persons who fled away.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. He has no concern with the seized article. With respect to the antecedent mentioned in paragraph no.3 of the petition, it is



submitted that the petitioner has been falsely implicated in the case subsequent to the present case. He is in custody since 24.9.2021 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession, the period in custody being 8 months and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Ujiyarpur P.S. Case no. 70 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur.

(Partha Sarthy, J)

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