

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70456 of 2021

Arising Out of PS. Case No.-680 Year-2021 Thana- FATUA District- Patna

VIJAY KUMAR Son of Late Kishu Rai Resident of Village - Baniya
Bhagwanpur, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Fatuha P.S. Case No. 680 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding the police having apprehended one Alto car and one truck and upon search, 35 liters of illicit spirit was recovered from the said Alto car while 1715 liters of raw spirit was recovered from the truck in question.

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 9.9.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 6 of the present petition that the petitioner has got no concern either with the Alto car or with the truck in question. The learned counsel for the petitioner has also submitted by referring to paragraph no. 9 of the present petition that while the petitioner was returning from Fatuha where he had gone to search for a job, he was arrested by the police merely on suspicion.

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 has categorically averred in



the present petition that he is neither the owner of the Alto car nor the truck in question, apart from the fact that he is having a clean antecedent and he is languishing in custody since about 9 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, Patna in connection with Fatuha P.S.Case No. 680 of 2021.

(Mohit Kumar Shah, J)

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