

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60248 of 2022

Arising out of PS. Case No.-384 Year-2022 Thana- NARPATGANJ District- Araria

SANJAY KUMAR SAH, Male, aged about 37 years, son of Late Raj Kumar Sah, resident of village-Ratnopatti, Ward No. 9, Police Station-Darbhangha Sadar, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Nawal Kishor Prasad, Advocate
Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2022 It is a historic moment that Paperless Courts have been inaugurated today and this Court is functioning by resorting to Paperless Court proceedings.

Heard Shri Nawal Kishor Prasad, the learned counsel for the petitioner and Shri Anand Mohan Prasad Mehta, the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Narpatganj P.S. Case No. 384 of 2022, for the offences registered under Sections 272, 273 and 420 of the Indian Penal Code and Sections 30(a), 32(ii) (iii), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution, in brief, is that the informant i.e. the Sub Inspector of Police along with his police force was on patrolling duty and while they were conducting search of vehicles, at about 8:15 P.M. at Chakardaha Maa Tara Petrol Pump, one Maruti Suzuki



vehicle had arrived there, which was intercepted and the occupants were caught, whereupon search was made and 112.500 litres of illicit liquor was recovered from the dickey of the said vehicle. The petitioner is stated to be sitting on the front seat of the said vehicle besides the driver, and upon interrogation of the occupants it transpired that they were engaged in the trade of illicit liquor and one Scorpio vehicle was also coming from behind, whereupon, the police force had apprehended the said Scorpio vehicle and caught its occupants and upon search 57.750 litres of illicit liquor was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 26.08.2022. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 10 of the present petition, that the petitioner is neither the driver nor the owner of the said Maruti Suzuki vehicle, hence, he is having no complicity in the matter. It is also submitted that no illicit liquor has been recovered from the conscious possession of the petitioner and he had merely taken lift in the said car.

Per contra, Shri Anand Mohan Prasad Mehta, the



learned A.P.P. 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 nor the driver of the Maruti Suzuki vehicle in question, he is having a clean antecedent, no illicit liquor has been recovered from the conscious possession of the petitioner, and moreover he is languishing in custody since 26.08.2022, I deem it fit and proper to direct for release of the petitioner herein, on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Araria in connection with Narpatganj P.S. Case No. 384 of 2022.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

