

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71535 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- MASHRAK District- Saran

NAND KISHORE SAH S/O GANGA SAH R/o village- Chand Kudariya,
P.S.- Mashrak, District- Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mashrakh Police Station Case No. 425 of 2021, registered for the offences punishable under Sections 30/30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret informant, arrived at the Singh Line Hotel, Bangra, and saw that one loaded truck was standing there and four motorcycles were parked near the truck and some persons were also standing near the line hotel. Upon seeing the police party, the accused persons started fleeing away, but five persons were arrested by the police. The police also recovered 8000 litres of spirit from the



truck in question.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated due to the fact that his motorcycle was recovered from the place of occurrence. He further submits that one of his friends had borrowed the said motorcycle for his personal work. He further submits that the petitioner is neither the owner nor the driver of the truck and nothing has been recovered from his conscious possession and/or motorcycle belonging to him. He further submits that the petitioner is in custody since 12.09.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no material has come during the course of investigation that the petitioner is either the owner or the driver of the truck, nothing has been recovered from the possession of the petitioner and/or motorcycle belonging to him, he was not arrested at the spot, charge sheet has already been submitted and the petitioner is in custody since 12.09.2021, having no criminal antecedent, I am inclined to grant regular



bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran, at Chapra, in connection with Mashrakh Police Station Case No. 425 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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