

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2881 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SARAI District- Vaishali

PAWAN SAFI @ PAWAN KUMAR @ PAWAN KUMAR SAFI S/o Buchai
Safi R/o- Pandaul Dhobi Tola, P.S.- Pandaul, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Sarai PS case no. 235 of 2022 instituted for the offences punishable under Section 420 and other allied sections of the Indian Penal Code and Section 30(a) and other allied sections of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck, whereupon the driver of the truck namely Mehendi Hassan was arrested and he disclosed the name of his accomplice including that of the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the



present case and is languishing in custody since 29.11.2022. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 7 of the present petition that the petitioner is not the owner of the truck in question and moreover, he has not been arrested from the spot, hence, he is not having any complicity in the matter. It is next contended that the said Mehendi Hassan has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 02.12.2022, passed in Cr. Misc. no. 55625 of 2022. Lastly, it is submitted that only on account of the petitioner being accused in four other similar types of cases, he has been made an accused in the present case.

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 parties and taking into account the materials available on record as also considering the fact that neither the truck in question belongs to the petitioner nor he has been arrested from the spot nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.



Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court-II-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Sarai PS case no. 235 of 2022.

(Mohit Kumar Shah, J)

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