

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4176 of 2023

Arising Out of PS. Case No.-342 Year-2021 Thana- MAHUA District- Vaishali

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SANOJ KUMAR, aged about 25 years, Gender, Male, SON OF LATE
NAGINA RAY @ NAGEENA RAY, R/O VILLAGE- MAHUA SINGH RAI,
P.S.- MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Mahua P.S. Case No. 342 of 2021 dated 10.06.2021 registered
for the offence(s) punishable under Section(s)
30(a)/32(ii)/34(ii)/38(ii)/41(i) of the Bihar Prohibition and
Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 5137.200 litres of Indian made foreign liquor
but the said liquor was recovered from two places, petitioner
was not arrested either of the places of recovery and his Pickup
van was seized with the alleged wine of 1357.200 litres but the



accused persons, who were involved in smuggling of the alleged wine, managed to escape and co-accused Shivmangal Rai, who is named in the FIR, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.72405 of 2021 and the petitioner has been made accused merely on account of being the registered owner of the alleged pickup van but he was not found present at the spot of the recovery of the alleged wine, though against him, there are criminal antecedents of three cases but he was remanded in all these cases from the present case, against the petitioner investigation has been completed and he has been languishing in jail since 10.12.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot of recovery of alleged wine and against him, the investigation has been completed and one co-accused, mentioned-above, is on bail, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail **after framing of charge, if the same has not been framed**, in connection with Mahua P.S. Case No. 342 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the Court concerned.

(Shailendra Singh, J)

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