

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66556 of 2022**

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Sohan Patel, male, aged about 25 years, S/o Late Satrugan Patel R/o Village-
Thikaha, P.S.- Kathaiya, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 03-02-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Kathaiya PS
Case No. 132 of 2022, dated 27-08-2022 registered for the offence
punishable under Sections 30(a)/41(i) of the Bihar Prohibition and
Excise Act.

There is alleged recovery of 177.75 liters illicit foreign
liquor from a pick-up van. The petitioner is stated to be in the vehicle
at the time of recovery.

It is submitted that on account of his six (06) antecedents,
he has again been falsely implicated in this case though he was not
even at the place of seizure/recovery. On account of such false
implication, he is in custody since 28-08-2022. There is no recovery
attributed from his possession even as per prosecution case and he
has no concern with the vehicle. It is submitted that investigation is
complete. Recovery is denied and disputed being not in accordance
with law.



The petitioner is in custody since 28-08-2022.

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

Considering the rival submissions, manner of recovery, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Special Judge (Excise) Court No-II, Muzaffarpur, in connection with Kathaiya PS Case No. 132 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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