

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73869 of 2022

Arising Out of PS. Case No.-1224 Year-2022 Thana- PHULWARISHARIF District- Patna

SHIV KUMAR Son of Girbal Ray @ Girwaldhari Rai R/v- Jagdishpur, P.S.-
Raghopur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, 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
Phulwari Sharif P.S. Case No.1224 of 2022, registered for the
offence punishable under Section 30(a)/ 31/ 32(ii)(iii)/ 36/ 41(i)
(ii) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 267.03
litres of illicit liquor from a tempo and the petitioner is stated to
be the driver of the said tempo.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has been falsely
implicated in the present case, is having a clean antecedent and
he is languishing in custody since 09.10.2022. The learned
counsel for the petitioner has further submitted that considering



the period of incarceration of the petitioner herein, a sympathetic view may be taken.

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 petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Phulwari Sharif P.S. Case No.1224 of 2022.

(Mohit Kumar Shah, J)

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