

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69745 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- KALER District- Jehanabad

BHOLA RAI S/O LATE BASUDEO RAI Resident of village- Mahana Road
Motipur, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kaler PS case no. 51 of 2021 instituted for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 5200 liters of spirit from a truck when the said truck was apprehended by the police and the driver namely Indal Kumar was arrested. The said Indal Kumar is stated to have disclosed the name of the persons involved in the illicit trade of spirit/ liquor 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 he is languishing in custody since 24.09.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case only because he is an accused in four other criminal cases, although it is the case of the petitioner that he has been made accused in all the said four cases only after he was arrested in the present case. It is also submitted that the main accused person namely Indal Kumar, on whose disclosure, the petitioner has been made accused in the present case, has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.01.2022, passed in Cr. Misc. no. 61127 of 2021.

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, I deem it fit and appropriate to enlarge the petitioner on 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 Special Excise
court no. 2, Jehanabad in connection with Kaler PS case no.
51 of 2021.

(Mohit Kumar Shah, J)

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