

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67408 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- ARWAL District- Jehanabad

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BHOLA RAI @ BHOLA ROY 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

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Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Arwal P.S. Case No.213 of 2021, registered for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 56 litre of illicit liquor from a truck whereupon the driver of the said truck was apprehended, and on interrogation, he disclosed the name of his accomplices including that of the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he 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 made accused in the present case only on account of his bad antecedent, inasmuch as he is an accused in seven other similar type of cases. It is also submitted that the driver of the truck in question has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.03.2022 passed in Cr.Misc. No.66208 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 petitioner and taking into account the materials available on record as also considering the fact that the petitioner is an accused accused in seven other similar type of cases, though I am not



inclined to admit the petitioner to the privilege of bail at the moment, but, I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Special Excise Court No.2, Jehanabad in connection with Arwal P.S. Case No.213 of 2021.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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