

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70185 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- BALIYA District- Begusarai

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DHIRAJ SAH @ DHIRAJ KUMAR S/O ANIL SAH Resident of village-
Fatehpur, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar,Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma,APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Ballia P.S. Case No.222 of 2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 349.5 litres of illicit liquor from the field of one co-accused person, namely, Ram Tanti. It is also alleged that one another co-accused person, namely, Dhiraj Shah was arrested and he had taken the name of his accomplices including 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 01.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent, inasmuch as he is an accused in only one another criminal case. Lastly, it is submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the place in question, from where the same has been recovered, belongs to the petitioner.

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 on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner, nor the place in



question, from where the same has been recovered, belongs to the petitioner, 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 Exclusive Special Excise Judge-II, Begusarai, in connection with Ballia P.S. Case No.222 of 2021.

(Mohit Kumar Shah, J)

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