

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68630 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- MANJHI District- Saran

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HANS RAJ KUMAR SON OF DHANPAT RAI R/O VILLAGE-
KALINAJAR, P.S. CHACKMAISI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Narain Mallik, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, 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 Manjhi PS case no. 376 of 2022 instituted for the offences punishable under Sections 30, 30(a), 32, 36, 41(i) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 1193 liters of illicit Indian made foreign liquor from a truck and the person, who was arrested from the spot, is stated to be the cleaner of the truck in question.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 20.10.2022. The learned counsel for the petitioner,



by referring to paragraphs no. 6 and 7 of the present petition, has further submitted that the petitioner is merely the cleaner/ helper of the truck in question and he has got no concern either with the consignment loaded on the truck or the truck in question.

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 as also considering the fact that the petitioner is merely the cleaner/ *khalasi* of the truck in question apart from the fact that he is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of 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 court of Special Judge 2nd, Exclusive Special Excise Court, Saran at Chapra in connection with Manjhi PS case no. 376 of 2022.

(Mohit Kumar Shah, J)

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