

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73214 of 2022

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHINDWARA District- Sitamarhi

SAMIR RAI @ SAMEER ROY S/o Nawal Ray @ Naval Kishor Ray R/o
Village- Manikpur, P.S.- Minapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray,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 Mahindwara P.S. Case No. 64 of 2019, registered for the offences punishable under Sections 30(a)(b)(c)(f), 37 and 41 of the Bihar Prohibition and Excise Amendment Act and Sections 25(1-b)a, 27 and 35 of the Arms Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and the persons apprehended from the spot, disclosed about the complicity of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody



since 26.08.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the F.I.R. would show that the owner of the truck in question is one Dharmpal Singh, who has been arrayed as accused no.5, however, the petitioner is not named in the F.I.R. and his name has been roped in the present case merely upon disclosure made by the co-accused person though the petitioner is not having any complicity in the matter.

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 neither the truck in question belongs to the petitioner nor any illicit liquor has been recovered from the petitioner nor he has been arrested from the spot, 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 Court



No.1, Sitamarhi in connection with Mahindwara P.S. Case
No.64 of 2019.

(Mohit Kumar Shah, J)

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