

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75008 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAJESH SAH S/o Sagar Sah @ Ram Sagar Sah R/v- Karor, P.S.- Cheriya
Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr.Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Cheria Bariyarpur P.S. Case No. 247 of 2022 registered for the offence punishable under Section 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 40 litres of illicit liquor from an E-rickshaw after the same was apprehended, along with its driver, namely Sachin Kumar, who upon interrogation disclosed that he had purchased the illicit liquor



from the petitioner.

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 13.11.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other similar type of cases but he is on bail in all the said cases. The learned counsel for the petitioner has also submitted that a sympathetic view be taken considering the period of incarceration of the petitioner herein. Lastly, it is submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the E-rickshaw in question belongs to the petitioner nor the petitioner has been apprehended from the spot, hence the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. 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 period of incarceration of the petitioner herein, apart from the fact that neither the E-rickshaw belongs to the petitioner nor the any illicit liquor has been recovered from his conscious possession I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Begusarai in connection with Cheria Bariyarpur P.S. Case No. 247 of 2022.

(Mohit Kumar Shah, J)

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