

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74306 of 2022

Arising Out of PS. Case No.-398 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

NANDAN SONI Son of Raju Kumar Soni @ Raju Gupta @ Suraj Kumar Gupta R/o Village - Tari Muhalla, P.S.- Ara Nagar (Ara Town), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar

For the Opposite Party/s : Mr.Sangeeta Sharma

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 Ara Mufasil (Dhobaha O.P.) P.S. Case No. 398 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Excise Amendment Act, 2018.

The allegation is regarding recovery of 95.040 liters of illicit liquor from a motorcycle standing at Basantpur village health centre and the petitioner is stated to have been arrested from the spot.

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 22.11.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 8 of the present petition that he has got no concern with the seized liquor or the luna motorcycle and he was just standing nearby, whereupon he has been falsely implicated in the present case.

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 period of incarceration of the petitioner herein, 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-1st, Bhojpur at Ara/concerned court in connection with Ara Mufasil (Dhobaha O.P.) P.S. Case No. 398 of 2022.

(Mohit Kumar Shah, J)

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