

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37276 of 2018

Arising Out of PS. Case No.-340 Year-2018 Thana- BARACHATTI District- Gaya

Sushil Kumar S/o Anil Singh, R/o vill.- Pathra, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is in custody in connection with Barachatti
(Mohanpur) P.S. Case No. 340 of 2018 for the offence under
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that in the
instant case 10 liters of Mahua wine was recovered from the
possession of co-accused and not from this petitioner. Learned
counsel submits that petitioner is in custody since 23.5.2018 and
as such he has remained in custody for more than one and half
months.

Learned counsel appearing on behalf of the State
opposes the prayer for bail. It is kept to be in mind that bail is
rule and jail is exception. The Apex Court has reminded time



and again that bail should not be considered as a substitute of service.

Considering the aforesaid, let the petitioner, named above, be enlarged 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 Special Judge, Excise, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 340 of 2018.

(Anil Kumar Upadhyay, J)

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