

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19968 of 2020

Arising Out of PS. Case No.-145 Year-2020 Thana- JAHANABAD District- Jehanabad

ROUSHAN KUMAR S/o Late Satyendra Prasad Resident of Gautambudha
Colony, Nizamuddin thana, P.S.-Jahanabad, District-Jahanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Karan

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-06-2020 Learned Counsel for the petitioner is directed to

remove all the defects, as pointed out by the Stamp Reporter,

within a period of eight weeks from today.

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Jehanabad Police Station Case No. 145 of 2020, registered for

the offences punishable under Section 30 (a) of the Bihar

Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police,

on the basis of secret information, raided the shop of the

petitioner and found that two persons were sitting in the said



shop. In presence of the petitioner, the shop was searched and on suspicion, they have been taken to the Police Station and they disclosed their involvement in the trade of illicit liquor. It is further alleged that the house of Rosan Kumar, in Nizamuddinpur, was raided and 1465 litres of illicit liquor has been recovered.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement made before the police. He, referring to paragraph 8 of this application, submits that the house, from where the illicit liquor has been recovered, does not belong to the petitioner and the petitioner is in custody since 06.03.2020. He further submits that at the time of seizure, the procedure prescribed under Section 100 of the Code of Criminal Procedure, 1973 was not followed by the police and the signature of independent witnesses were not taken by the police on the seizure list. He next submits that similarly situated co-accused person, Birendra Kumar Gupta, has been granted bail by this Court in Criminal Misc. No. 19746 of 2020.

After having heard learned Counsel for the parties and taking into consideration the facts that the petitioner is in judicial custody since 06.03.2020 and he has got no criminal



antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Jehanabad, in connection with Jehanabad Police Station Case No. 145 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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