

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29636 of 2021

Arising Out of PS. Case No.-238 Year-2016 Thana- HASANPUR District- Samastipur

KISHAN KUMAR Son of Mithilesh Yadav Resident of Village - Sirsiya, P.S.-
Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021

Heard.

The petitioner seeks regular bail in connection with Hasanpur P.S. Case No. 238 of 2016 for the offence punishable under Section 37(A) of Bihar Excise Act and 54/57 of Bihar Excise (Amendment) Prohibition Act, 2016.

The allegation is regarding recovery of 73.440 litres of illicit liquor from the field of one Bindeshwari Mukhiya.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 3.2.2021. The learned counsel for the petitioner has further submitted that the field in question from which the illicit liquor has been recovered, does not belong to the petitioner.

Per contra, the learned APP appearing for the



State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and the illicit liquor has not been recovered from the field of the petitioner but from the field of one Bindeshwari Mukhiya, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 2nd cum Special Judge (Excise), Samastipur in connection with Hasanpur P.S. Case No. 238 of 2016/ Computer Reg. No. 483 of 2019.

(Mohit Kumar Shah, J)

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