

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29082 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- BARH District- Patna

RAHUL KUMAR S/o Late Raj Kumar Rajak @Raj Kumar R/o Mohalla -
Bajitpur (Bhawani Chawk), P.S. - Barh, District - Patna (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Pankaj Kumar Singh, learned counsel
for the petitioner and Mr. Tarkeshwar Nath Thakur, Additional
Public Prosecutor for the State.

Petitioner seeks regular bail in connection with Barh
PS Case No. 65/2021 registered for the offence punishable
under Sections 30(a) of Bihar Prohibition & Excise
(Amendment) Act, 2018.

The allegation, as per First Information Report, is that
the police caught the petitioner with sixty litres of (*Mahua*)
country made liquor while he was fleeing upon seeing the police
party.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he has falsely
been implicated in this case due to oblique motive. Learned
counsel further submits that the petitioner is in custody since
16.02.2021 and charge-sheet has already been submitted in the
matter and there is no likelihood that the petitioner will abscond



or tamper with the evidences. It is further submitted that the procedure regarding search and seizure prescribed under Section 100(3) of the CrPC has not been followed by the police at the time of seizure of the illicit liquor from the possession of the petitioner.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner has got no criminal antecedent, he is in custody since 16.02.2021, charge-sheet in the matter has been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidences, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, RAHUL KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Barh PS Case No. 65/2021 as well as Special Case No. 1146/2021.

(Anil Kumar Sinha, J)

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