

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33717 of 2021

Arising Out of PS. Case No.-150 Year-2019 Thana- LALGANJ District- Vaishali

NEERAJ KUMAR Son of Lal Babu Singh @ Ram Babu Singh Resident of
Village- Rasulpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Lalganj Police Station Case No. 150 of 2019, registered for the
offences punishable under Sections 30 (a)/32(2)/41(1) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information that
the petitioner, along with co-accused Navin Kumar has brought
a consignment of illicit liquor and has kept the said consignment
in a bamboo clump, proceeded towards the place of occurrence
and recovered 840 litres of illicit liquor from the said bamboo
clump.

Learned Counsel for the petitioner submits that the



petitioner has been made accused in this case merely on the basis of secret information received by the police and no illicit liquor has been recovered from the conscious possession of the petitioner or premises belonging to him; rather the illicit liquor has been recovered from a bamboo clump, which is an open space and is accessible to all and sundry. He further submits that similarly situated co-accused, Navin Kumar, has been granted anticipatory bail by this Court, vide order, dated 11.06.2020, passed in Criminal Misc. No. 11349 of 2020. He next submits that the petitioner is in custody since 28.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that similarly situated co-accused has been granted anticipatory bail by this Court, no illicit liquor has been recovered from the conscious possession of the petitioner and/or premises belonging to him, charge sheet has already been submitted and the petitioner is in custody since 28.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, Neeraj Kumar, be released on bail, on furnishing bail bond 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, Vaishali, at Hajipur, in connection with Lalganj Police Station Case No. 150 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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