

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.35378 of 2021**

Arising Out of PS. Case No.-91 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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PREM KUMAR Son of Jai Prakash Giri Resident of Village - Shankarpur,  
P.S.- Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate  
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      13-12-2021                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Excise Complaint Case No. 91 of 2021 for the offence  
registered under Sections 30(A) and 56(b) of the Bihar  
Prohibition and Excise Act.

The allegation is regarding recovery of 72 litres of  
illicit liquor from a tempo.

The learned counsel for the petitioner has submitted that  
the petitioner is innocent, has been falsely implicated in the  
present case and he is languishing in custody since 08.03.2021.  
The learned counsel for the petitioner has referred to paragraph no.  
7 of the present petition, to submit that he is not the owner of the



tempo in question.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 A.D.J.-II-cum-Special Judge (Excise), Gaya in connection with Excise Case No. 91 of 2021.

**(Mohit Kumar Shah, J)**

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