

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37593 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RISHABH KUMAR @ CHANDAN Son of Surendra Mahto Resident of Village - Singhia Khurd Ghandhi Chowk Ward No. 7, P.S.- Muffasil, District - Samastipur. At present resident of mohalla - Punjabi Colony gali no. 1 Anand Vihar, Dharmpur, P.S.- Samastipur Town, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2021 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 Case No. 134 of 2021 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 330.48 litres of illicit liquor from near the toilet belonging to the petitioner.

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 10.04.2021. The learned counsel for the petitioner has referred to paragraph no. 9 of the present petition to submit that the toilet in question is situated in an open place which belongs to one Yadu Singh



with whom the petitioner is not having good relation, hence the petitioner has been falsely implicated in the present case.

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 fact that the toilet in question, from where the illicit liquor has been recovered, does not belong to the petitioner and the petitioner is languishing in custody since 10.04.2021, 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 2nd Additional Sessions Judge cum Special Judge, Excise Act, Samastipur in connection with Excise Case No. 134 of 2021.

(Mohit Kumar Shah, J)

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