

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43959 of 2021

Arising Out of PS. Case No.-373 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

1. SANJAY KUMAR S/o Ramchandra Bind R/o village- Dumariya, P.S.- Chainpur, District- Kaimur
2. Shivnath Bind S/o Late Sumer Bind R/o village- Dumariya, P.S.- Chainpur, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Excise Case No. 991 of 2020 arising out of Chainpur P.S. Case No. 373 of 2020, registered for the offence punishable under Section, 30(a) & 30(d) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of country made liquor making articles, 40 liters of country made illicit liquor and 75 Kg. of Jawa Mahua, apart from some other materials used for making country made liquor from the forest area.

The learned counsel for the petitioners has submitted



that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 1.1.2021. The learned counsel for the petitioners has further submitted that it is alleged that various quantifies of illicit country made liquor and raw materials used for making illicit country made liquor were recovered from various places situated in open space of the forest area in question and not either from the conscious possession of the petitioners or from their house, hence the petitioners cannot be saddled with the liabilities of seized articles/ country made liquor

Per contra, the learned APP 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 petitioners and taking into account the materials available on record as also considering the fact that no illicit liquor was recovered either from the conscious possession of the petitioners or from their house, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioners are



directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 2nd cum Spl. Judge, Kaimur at Bhabua in connection with Excise Case No. 991 of 2020 arising out of Chainpur P.S. Case No. 373 of 2020.

(Mohit Kumar Shah, J)

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