

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42247 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- RAJPUR District- Rohtas

BIRENDRA JAISWAL @ VIRENDRA JAISHWAL, S/O LATE SHYAM
NARAYAN JAISWAL, R/o village- Rajpur, P.S.- Rajpur, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-11-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, a total of about 115 litres of country liquor is stated to have been recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession or house. He has been falsely implicated in the case because of one pending case under section 47 of the old Excise Act. The petitioner is in custody since 30.3.2021 and chargesheet has been submitted in the case.

It is further submitted by learned counsel for the



petitioner that a supplementary affidavit sworn by wife of the petitioner has been filed online mentioning therein about the marriage of the daughter of the petitioner having been fixed for 21.11.2021 and as such the urgency in taking up the case on a priority basis.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner not having antecedent under the Bihar Prohibition and Excise Act, 2016 and having remained in custody for over 7 months, the petitioner is directed to be enlarged on bail in connection with Rajpur P.S. Case no. 54 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Rohtas at Sasaram.

(Partha Sarthy, J)

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