

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44716 of 2021

Arising Out of PS. Case No.-233 Year-2021 Thana- BARACHATTI District- Gaya

ABHAY KUMAR S/o Sanjay Ray R/o village- New Makrain, P.S.-
Dalmiyanagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-11-2021 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, 171 litres of liquor was recovered from a vehicle and the petitioner who was one of the occupants on making an attempt to escape was caught.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession or the vehicle in question. The petitioner was caught under a misunderstanding. The petitioner who has no criminal antecedent is in custody since 10.7.2021. It is further submitted by learned counsel for the petitioner that the urgency in taking up of this case out of turn would be evident from the supplementary affidavit filed which shows that the examination



of the petitioner is scheduled to be held on 25.11.2021.

The application for bail is opposed by learned APP for the State who submits that the petitioner was caught red handed with 171 litres of liquor.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with CIS Case no. 752 of 2021 (arising out of Barachatty P.S. Case no. 233 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 2nd Addl. Sessions Judge II -cum- Special Judge, Excise Act, Gaya.

(Partha Sarthy, J)

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