

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7802 of 2021

Arising Out of PS. Case No.-230 Year-2019 Thana- DIDARGANJ District- Patna

Basgit Kumar @ Baskit Kumar Yadav @ Basjit Kumar S/o Naresh Yadav
R/o- Jeevanchak, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-04-2021 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor appearing for the State, through video conferencing.

The petitioner seeks regular bail in connection with Didarganj Police Station Case No. 230 of 2019, registered for the offence punishable under Sections 272/273/308/420/34 of the Indian Penal Code and Sections 30 (a)/32(i) (ii) (iii)/36/46 (i) (ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that a joint raid of police as well as excise officials was conducted in the house of co-accused Anil Singh and one rifle, two country-made pistols, 09 live cartridges and other arms were recovered from the possession of the wife of the said co-accused, namely, Baby Devi. The police also recovered 855



litres of illicit liquor from the house of the co-accused and 100 litres of illicit liquor from the pick-up van of co-accused Anil Singh. It has been alleged that the name of the petitioner, along with others, has been disclosed by co-accused Baby Devi, from whose house, the illicit liquor has been recovered

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case on the basis of disclosure of his name by co-accused Baby Devi, from whose house, illicit liquor has been recovered. He further submits that for the recovery of arms and ammunition from the possession of co-accused Baby Devi, a separate case, being Didarganj Police Station Case No. 229 of 2019, was registered, in which the petitioner is also one of the accused and in that case, the petitioner has been granted bail. He further submits that no illicit liquor has been recovered from the conscious possession or the premises belonging to him. He further submits that co-accused persons, namely, Baby Devi (by order, dated 18.12.2019, passed in Criminal Misc. No. 81279 of 2019) and Anil Singh (by order, dated 24.08.2020, passed in Criminal Misc. No. 21244 of 2020) have been granted bail by this Court.

After having heard learned Counsel for the parties and



taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him and other co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Didarganj Police Station Case No. 230 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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