

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7805 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- HATHUA District- Gopalganj

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MOHAN KUMAR SON OF GULLU SAH @ VISHWANATH SAH
RESIDENT OF VILLAGE - RUPAN CHAK, P.S. - HATHUA, DISTRICT -
GOPALGANJ. AT PRESENT RESIDENT OF VILLAGE - HATHUA GAON
SARKARI CHAUK, DAKCHHIN MOHALLA, P.S. - HATHUA, DISTRICT
- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-04-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

The petitioner seeks regular bail in connection with
Hathuwa Police Station Case No. 202 of 2019, disclosing
offence under Section 30 (a) of the Bihar Prohibition and Excise
Act, 2016.

The allegation, as per the First Information Report, is
that the police, on the basis of secret information that the
petitioner, along with his associate, was indulged in the trade of
illicit liquor, proceeded towards the place of occurrence and saw
that one person was coming on a motorcycle and a tempo was



also coming behind the motorcycle and upon seeing the police, the motorcycle rider turned his motorcycle back and told something to the driver of the tempo, on which the driver sat on the motorcycle and fled away, leaving behind the tempo and upon search, the police recovered 125 litres of illicit liquor from the said tempo.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the police with oblique motive. He, referring to paragraph 8 of this application, submits that the petitioner is not the owner of the tempo in question nor the liquor belongs to him. He next submits that the procedure prescribed for search and seizure under the Act as well as under Section 100 of the Code of Criminal Procedure, 1973 have not been followed. He next submits that the petitioner is in custody since 10.09.2020, having no criminal antecedent and charge sheet has already been submitted against the petitioner, as such there is no likelihood that the petitioner will abscond or tamper with the evidence. .

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 10.09.2020, having no criminal antecedent and charge sheet has already been submitted



in this case, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge (Excise), Gopalganj, in connection with Hathuwa Police Station Case No. 202 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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