

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7795 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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NISHANT KUMAR SON OF RAM BILASH MAHTO RESIDENT OF
VILLAGE- KHANJAHAPUR, P.S.- CHERIABARIYARPUR, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

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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
Cheria Bariyarpur Police Station Case No. 162 of 2020,
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 intercepted the vehicle of the petitioner and
recovered 29 litres of illicit country-made Mahua liquor, kept in
a plastic gallon.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case. 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 22.08.2020, 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 22.08.2020, 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Begusarai, in connection with Cheria Bariyarpur Police Station Case No. 162 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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