

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27549 of 2022

Arising Out of PS. Case No.-193 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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RUPESH KUMAR S/o Lakhindra Sahani Resident off Village - Bhatandi
Police Station- Sadar, Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mayank Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner the

learned APP for the State.

The petitioner seeks regular bail in connection
with Hajipur Sadar PS case no. 193 of 2022 instituted for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

The petitioner and one other co-accused person
are alleged to have gathered at the alleged place of occurrence
for purchasing liquor which was being sold by one other
co-accused person namely Prem Kumar at village Panapur
Chaur Dopalwa, however on information being received by the
police, the police had reached at the alleged place of occurrence,
nonetheless, the co-accused persons had managed to flee away
but the petitioner was arrested and upon search, 85.680 liters of



illicit liquor was recovered from various vehicles.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.03.2022. The learned counsel for the petitioner has referred to paragraph no. 7 of the present petition to submit that the petitioner has no concern with the vehicles in question from which illicit liquor has been recovered, hence the petitioner has no complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that none of the vehicles from which the illicit liquor has been recovered belongs to the petitioner, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs.



Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court no. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar PS case no. 193 of 2022.

(Mohit Kumar Shah, J)

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