

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42819 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- FATUA District- Patna

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GULSAN KUMAR S/o Chikaka Ray Resident of Village- Jethuli, P.S.- Nadi,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2022 Heard.

The petitioner seeks regular bail in connection with Special Case No. 2399 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021, registered for the offence punishable under Sections 30(a)/ 56(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having intercepted two pick up vehicles and upon search, 792 liters of illicit liquor was recovered and upon enquiry, it transpired that the said illicit liquor belongs to one Goldi Yadav and Bablu Rai and the illicit liquor was being packed at the house of one Navin Rai in mustard oil cartoon, whereafter the police is alleged to have raided the house of the said Navin Rai and the petitioner was arrested from there.



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 he is languishing in custody since 28.03.2021. The learned counsel for the petitioner has submitted that the petitioner is a labour and he was engaged in the work of packing mustard oil. It is further submitted that neither any recovery of illicit liquor has been made from the conscious possession of the petitioner nor the pick up vehicles in question belong to the petitioner.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular 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 no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is



directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Patna in connection with Special Case No. 2399 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021.

(Mohit Kumar Shah, J)

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