

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41008 of 2021**

Arising Out of PS. Case No.-62 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

KUMAR GAURAV @ BUNTY Son of Yaduvansh Prasad Singh Resident of
Shivpuri Colony, Ward No.48, P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey

For the Opposite Party/s : Mr.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 03-01-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Ishakchak P.S. Case No. 62/2021, registered for the offence punishable under Sections 290/188 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 77.625 liters of illicit liquor from an under construction house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case and he is languishing in custody since 4.6.2021. The learned counsel for the petitioner has further submitted that admittedly, as per the FIR, the house in question from where the recovery has been made was under construction, hence, the possibility of the illicit liquor being planted or belonging to the labourers cannot be ruled out. It is further submitted that the said house is in joint possession of the petitioner and his family members.

Per contra, the learned APP 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 petitioner and taking into account the materials available on record as also considering the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner, but from an under construction house of the petitioner where the petitioner admittedly is not



staying as also taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge, 2nd cum Special Judge (Excise Act), Bhagalpur in connection with Ishakchak P.S. Case No. 62/2021.

(Mohit Kumar Shah, J)

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