

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42854 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- NAUGACHIA District- Bhagalpur

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SUJEET KUMAR @ TIPU @ TIPU SINGH S/o Vijay Kumar Singh Resident
of Village- Tetri, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Binod Kumar.

The petitioner seeks regular bail in connection with Naugachia P.S. Case No. 295/2020, registered for the offence punishable under Sections 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of



682.500 liters of illicit foreign liquor from a brick kiln, which is stated to be that of the father 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 27.5.2021. The learned counsel for the petitioner has further submitted that the brick kiln neither belongs to the petitioner nor the vehicle, which has been seized by the police, belongs to the petitioner and moreover, no illicit liquor has been recovered from the conscious possession of the petitioner or from his house, but the fact is that the illicit liquor has been recovered from an open space situated in the brick kiln of the father of the petitioner.

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 neither any illicit liquor has been recovered from the conscious possession of the petitioner nor from his house nor the vehicle seized by the police belongs to the petitioner and moreover, the petitioner is not named in the FIR, 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 Sessions Judge IInd cum Special Judge (Excise Act), Bhagalpur in connection with Naugachia P.S. Case No. 295/2020.

(Mohit Kumar Shah, J)

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