

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49838 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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CHUNNU KUMAR S/O- Lalbihari Mahto R/O Village- Lakshmipur, Arar,
Bakhara, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Excise case no. 242 of 2021 instituted for the offences
punishable under Sections 30(a), 30(c) and 30(d) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

The case of the prosecution is that upon receipt
of secret information to the effect that illicit foreign liquor is
being manufactured at the Community hall of village Sakhara,
the informant along with others had reached the place of
occurrence and upon search, 46.5 liters of illicit Indian made
foreign liquor and 20 liters of Susav spirit was recovered, apart
from recovery of some empty bottles and stickers.



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 09.06.2021. The learned counsel for the petitioner has further submitted that the place from where the illicit liquor has been recovered, does not belong to the petitioner and in fact, no illicit liquor has been recovered from the conscious possession of the petitioner.

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 neither the illicit liquor has been recovered from the house of the petitioner nor from his conscious possession 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 Special Judge, Excise Act,
Muzaffarpur in connection with Excise case no. 242 of 2021.

(Mohit Kumar Shah, J)

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