

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49912 of 2021**

Arising Out of PS. Case No.-95 Year-2021 Thana- KHAJEKALA District- Patna

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ROHIT KUMAR S/o JAWAHAR PASWAN R/o MUHALLA-ADARSH
COLONY, P.S-KHAJEKALAN, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khajekalan P.S. Case No. 95 of 2021, Special Case No. 2535 of
2021 for the offence registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016 and Sections 25(1-b)a and 26
of the Arms Act.

The allegation is regarding the police having received
secret information that some miscreants were travelling on a
motorcycle along with illicit liquor and arms whereafter a trap
was laid and four motorcycles were intercepted and as far as the
petitioner is concerned, one country made pistol with two live
cartridges was recovered and upon search, 22 litres of illicit
country made liquor and nine litres of illicit foreign liquor was



recovered. It is further alleged that illicit liquor and arms were also recovered from the other co-accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 29.03.2021. The learned counsel for the petitioner has further submitted that though the petitioner is accused in one other case but he is on bail in the said case. It is next submitted that the petitioner has already been punished suitably inasmuch as he is languishing in custody since about one year. The learned counsel for the petitioner has further referred to paragraph no. 9 of the present petition to submit that the petitioner has got no concern either with the illicit liquor or with the two wheeler in question.

Per contra, the learned counsel 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 statement made by the petitioner in the present petition to the effect that the petitioner has got no concern either with the two wheeler in question apart from the fact that he is not an accused in any other criminal



case under the provisions of the Arms Act and is languishing in custody since about one year, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Khajekalan P.S. Case No. 95 of 2021, Special Case No. 2535 of 2021.

(Mohit Kumar Shah, J)

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