

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51850 of 2021**

Arising Out of PS. Case No.-191 Year-2021 Thana- SASARAM NAGAR District- Rohtas

SATISH KUMAR SON OF KAPIL CHAUDHARY R/O VILLAGE-
LASHKARIGANJ, P.S.- SASARAM (TOWN), DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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

2 08-03-2022 Heard the learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sasaram (Darigaon) P.S. Case No. 191 of 2021 for the offence punishable under Sections 419 and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 1600 litres of illicit spirit from the premises of an old plant of Isolex company which is alleged to have been taken on lease by the co-accused person namely Amit Kumar @ Chhotu Sah for running a poultry farm. The petitioner is stated to have been made an accused in the present case on the disclosure made by the co-accused person namely Rahul Kumar.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 12.03.2021. It is further submitted that though the petitioner is an accused in one other criminal case, however, he is on bail in the said case. Lastly, it is submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner was arrested from the spot.

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 petitioner 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 moreover, he was not arrested from the spot but on the contrary has been implicated in the present case on the disclosure made by the co-accused person before the police, apart from the fact that the petitioner is languishing in custody since about a year, 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd -cum-Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 191 of 2021.

(Mohit Kumar Shah, J)

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