

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52229 of 2021**

Arising Out of PS. Case No.-230 Year-2021 Thana- ATRI District- Gaya

AKHILESH KUMAR Son of - Krishna Chaudhary Resident of Village - Mahuet, P.S. Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 22-04-2022 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Atri Police Station Case No. 230 of 2021, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, in course of vehicle checking, stopped a motorcycle, on which two persons, including the petitioner, were coming, but on seeing the police, they tried to flee away, however, on chase, the police arrested two persons and recovered 10 litres of illicit country-made liquor from the motorcycle.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police with oblique motive. He further submits that the petitioner is not the owner of the motorcycle in question and no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner. He next submits that the petitioner is in custody since 13.07.2021 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner, charge sheet has already been submitted against him and he is in custody since 13.07.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gaya, in connection with Atri Police



Station Case No. 230 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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