

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54406 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- FATUA District- Patna

KAMAL SINGH S/o Inder Singh R/o- Karotha, P.S.- Shivaji Colony Rohtak,
Distt.- Rohtak (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s :		Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 Heard the learned senior counsel appearing for the
petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case
No. 237 of 2021 for the offence punishable under Sections
30(a) and 56(c) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 792 litres of illicit
foreign liquor from two pick up vans.

The learned senior counsel for the petitioner has
submitted that the petitioner is innocent and he has been falsely
implicated in the present case. The learned senior counsel for
the petitioner has further submitted that though the petitioner is
in custody since 17.04.2021 but he has been remanded in the



present case on 08.07.2021. The learned senior counsel for the petitioner has submitted that after the petitioner had been granted anticipatory bail by this Court in connection with one other case i.e. Economic Offence Unit Case No. 17 of 2016 and the petitioner had surrendered for the purposes of grant of anticipatory bail, he was remanded in one other case and when he was granted bail in the said case, he was again remanded in the present case as well as in other cases. The learned senior counsel for the petitioner has referred to paragraph no. 26 of the present petition to submit that the seized vehicles do not belong to the petitioner herein. It is also submitted that the illicit liquor has also not 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 senior counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that the vehicles in question from which the illicit liquor has been recovered, do not belong to the petitioner and moreover no illicit liquor has been



recovered from the conscious possession of the petitioner, 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 Special Judge, Excise, Patna in connection with Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021.

(Mohit Kumar Shah, J)

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