

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68684 of 2021

Arising Out of PS. Case No.-497 Year-2021 Thana- PATLIPUTRA District- Patna

AJIT KUMAR S/o Late Mahendra Mahto R/o Mohalla- Mainpura, L.C.T.
Ghat, Behind Ganga Tower, P.S.- Patliputra, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard.

The petitioner seeks regular bail in connection with Special Case No. 6208 of 2021 arising out of Patliputra P.S. Case No. 497 of 2021, registered for the offence punishable under sections 30(a)/36/38/38(i)/41(i)/37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding the police personnel, who were on patrolling duty, having intercepted the accused persons including the petitioner herein and upon search, 500 ml. of country made liquor was recovered from the pocket of the petitioner. It is also alleged that upon



the accused persons having disclosed about the liquor being concealed elsewhere, the police had recovered 531 liters of country made liquor from a rubbish heap situated 50 km ahead of the place from where the accused persons had been apprehended.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 01.10.2021. The learned counsel for the petitioner has submitted that though the petitioner is accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted that as far as recovery of 531 liters of country made liquor is concerned, the petitioner has got no role to play and as far as recovery of 500 ml. Country made liquor from the pocket of the petitioner is concerned, for the same the petitioner has already been suitably punished in as much as he is languishing in custody since about nine months.



Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise Court, Patna in connection with Special Case No. 6208 of 2021 arising out of Patliputra P.S. Case No. 497 of 2021.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

