

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69684 of 2021

Arising Out of PS. Case No.-217 Year-2021 Thana- KHUSRUPUR District- Patna

AMAR KUMAR Son of Ashok Ram @ Ashok Prasad Resident of Village-
Govindpur Western Tola, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Khusrupur P.S. Case No. 217/2021, registered for the offence punishable under Sections 30(a), 34, 36 and 56(c) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 150 liters of illicit spirit and an alcohol meter from the house of the co-accused person, namely, Anuj Kumar. It is also alleged that some of the co-accused persons had fled away and upon inquiry from the village chaukidar, it transpired that the



petitioner and some other persons were the ones, who had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 21.9.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has also submitted that neither the house in question from where the illicit liquor has been recovered belongs to the petitioner nor the petitioner has been arrested from the spot, nonetheless, he has been falsely implicated in the present case merely on suspicion.

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 learned counsel for the petitioner and taking into account the materials



available on record as also considering the fact that neither the house in question from where the illicit liquor has been recovered belongs to the petitioner nor he has been arrested from the spot, apart from the fact that he is languishing in custody since about eight months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 5710 arising out of Khusrupur P.S.Case No. 217 of 2021.

(Mohit Kumar Shah, J)

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