

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70301 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- RISIYAP District- Aurangabad

DIWAKAR KUMAR Son of Dharmendra Kumar Resident of Village -
Pachakediya, P.S.- Nawa Jaypur, Palamu, Jharkhand, (in FIR stated as
resident of village - koiry Bigha, P.S.- Kutumba, District - Aurangabad).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Risiyap Police Station Case No. 113 of 2021, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that 60 litres of illicit country-made liquor has been
recovered from the motorcycle of the petitioner.

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 procedure
prescribed for search and seizure under the provisions of the
Bihar Prohibition and Excise Act, 2016 and the Code of



Criminal Procedure, 1973, have not been followed. He further submits that the petitioner is in custody since 21.11.2021, having no criminal antecedent, and charge sheet has already 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 made 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 of the petitioner, charge sheet has already been submitted and the petitioner is in custody since 21.11.2021, having no criminal antecedent, 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Aurangabad, in connection with Risiyap Police Station Case No. 113 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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