

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4778 of 2023

Arising Out of PS. Case No.-239 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

Sanjay Kisku @ Sanjay Kumar Kisku S/O Babujee Kisku @ Basujee Kisku
R/V- Jorgama Ward No 2, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-04-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Excise Case No. 239/2021 arising out of Madhepura Excise P.S.
Case No. 419/2020-21 dated 19.03.2021 registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the petitioner was not apprehended at the spot
of recovery of the alleged liquor as well as raw materials and
equipments used in manufacturing of country-made liquor and
as per the excise complaint, the petitioner and six other co-
accused persons were suspected to be involved in manufacturing



of the seized liquor and the alleged liquor and other materials were recovered from an open place near a river and the petitioner has been languishing in jail since 02.12.2022. Further submissions are that in the present matter, three co-accused persons namely Murli Kisku, Ramesh Basuki and Dinesh Murmu have been granted bail by different Benches of this Court vide orders dated 25.02.2023 and 12.04.2023 passed in Cr. Misc. Nos. 73922/2022, 74580/2022 and 73403/2022 respectively and the petitioner's case is completely identical to above named co-accused persons, who are on bail.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot of recovery and the alleged liquor as well as other incriminating materials were recovered from an open place accessible to common people and also the fact that three similarly situated co-accused persons named-above are on bail, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection



with Excise Case No. 239/2021 arising out of Madhepura
Excise P.S. Case No. 419/2020-21.

(Shailendra Singh, J)

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