

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4938 of 2023

Arising Out of PS. Case No.-636 Year-2022 Thana- BAKHTIYARPUR District- Patna

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MUKESH KUMAR @ ARJUN BANSAL S/O JAY RAM RAI @ JAY RAM PRASAD @ JAYNATH PRASAD Resident of Village- Abbu Mohammadpur, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No.636 of 2022 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution, the police personnel apprehended this petitioner and from his possession total 54 litres of liquor was recovered.



The main submissions advanced by the learned counsel Mr. Arvind Kumar for the petitioner are that as per the prosecution the recovery of the alleged wine was made from asbestos husk room of the petitioner's house but the said place is completely open place having access to anyone, hence the recovery of alleged wine cannot be deemed to have been made from the conscious possession of the petitioner. Further submission is that the petitioner has been languishing in jail since 17.12.2022 and against him there is criminal antecedent of one case in which he is on bail.

Learned APP Mr. Binod Kumar appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Bakhtiyarpur P.S. Case No.636 of 2022.

(Shailendra Singh, J)

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