

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7598 of 2023

Arising Out of PS. Case No.-675 Year-2022 Thana- WARISLIGANJ District- Nawada

Mohit Kumar @ Vicky S/o Late Ganpat Saw R/o village- Kumbhi, P.S.-
Warisaliganj, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with
Warisaliganj P.S. Case No. 675 of 2022 dated 13.11.2022
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.
3. The main submissions advanced by learned counsel for
petitioner are that as per the prosecution's allegation the police
initially raided the *dallan* of one namely, Mantosh Kumar from
where petitioner and three co-accused persons were
apprehended and they disclosed about the presence of the
alleged wine at the house of co-accused Tanik Thakur and
thereafter the police raided the said place and recovered 71.64
litres of Indian made foreign liquor and amongst the said co-
accused persons Mantosh Kumar, Jitendra Kumar, Bipin Kumar

including the co-accused Tanik Thakur, from whose house the alleged wine was recovered, have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 4159 of 2023 and accordingly, the case of this petitioner stands on similar footing with the co-accused Mantosh Kumar, Jitendra Kumar and Bipin Kumar and his case stands on a better footing from the co-accused Tanik Thakur. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 14.11.2022 and against him the investigation has been completed. Further submission is that the instant matter relates to the recovery of 71.64 litres of country made english wine but on the seizure list there is no signature of any of the person who have been shown as witness of the seizure.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent as mentioned in the petition and the privilege of bail having been granted to similarly situated co-accused persons mentioned above and also the fact that against the petitioner the investigation has been completed and alleged wine is stated to have been recovered

from the house of co-accused Tanik Thakur who is 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 concerned Court in connection with Warisaliganj P.S. Case No. 675 of 2022.

(Shailendra Singh, J)

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