

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14318 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- KUMAR KHAND District- Madhepura

CHIKKU KUMAR @ PANKAJ KUMAR S/O Manoj Yadav R/V- Rahta,
Ward No. 05, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Kumarkhand P.S. Case No. 365 of 2022, dated 23.10.2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
166.100 litres of *country-made foreign liquor* and the same is
stated to have been recovered from the house of co-accused
Roushan Yadav and petitioner has no connection with the said
co-accused and he has been made accused merely on suspicion
on the basis of some secret information received by the police,
which has no evidentiary value, though against the petitioner
there are criminal antecedents of two cases but the same has not



been lodged under the offences of the Bihar Prohibition and Excise Act and moreover, petitioner is on bail in the said cases of his criminal antecedents and in the present matter, the police did not comply with the mandatory provisions of Section 100 of Cr.P.C. and petitioner has been languishing in jail since 25.01.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly petitioner's custody period and completion of investigation against him and also the facts that the recovery of the alleged wine was made from the house of co-accused and the said recovery was made before two official persons, 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 concerned Court in connection with Kumarkhand P.S. Case No. 365 of 2022.

(Shailendra Singh, J.)

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