

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16078 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- BAHADURPUR District- Patna

BIRJU KUMAR Son Of Ram Deo Mistri R/O Mohalla- Musallahpur Haat,
P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-04-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Bahadurpur P.S. Case No. 27 of 2023, dated 23.01.2023 registered
for the offences punishable under Sections 420, 467, 468, 471 of
the Indian Penal Code and Sections 30(a)(b)(c)(d), 32, 34, 36 and
41(1)(2) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's counsel
are that as per prosecution's story the alleged wine, homeopathy
medicines and other incriminating materials were recovered from
the lodge of petitioner's father and the petitioner was simply found
sitting at the place of recovery and as per FIR two to three persons
were staying in one room of the said lodge where the police party
raided and five persons were alleged to be involved in the said
offence out of them two were arrested along with this petitioner



and the petitioner had no knowledge about the illegal activity of the said arrested co-accused persons and he has criminal antecedent of one case in which he is on bail and against him the investigation has been completed and the prosecution has no any material to show the illegal use of the seized homeopathy medicines and other incriminating materials other than the wine.

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

5. Considering the above submissions and mainly the facts that the investigation has been completed against the petitioner and the recovery of the alleged materials was made from one room of the lodge of the petitioner's father where two co-accused persons were staying as renters as per submission made by petitioner's counsel, 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 Bahadurpur P.S. Case No. 27 of 2023.

(Shailendra Singh, J.)

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