

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16885 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- CHANDI District- Bhojpur

RAHUL KUMAR, Male, aged about 21 years, S/o- VIJAY SINGH, Resident
of Village- Salempur Ps- Chandi District- Bhojpur at Ara, Pin-802161 Bihar
... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

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

2. Petitioner seeks regular bail in connection with
Chandi P.S. Case No. 143 of 2022 dated 01.06.2022 registered
for the offence(s) punishable under Section(s) 30(a) of the
Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 50 litres of illicit country made *Mahua* wine
and the same is stated to have been recovered from the bank of a
river which is an open place and petitioner's name was
disclosed by the villagers and he was not arrested at the spot.
Further submissions are that petitioner earlier preferred Cr.
Misc. No.58040 of 2022 along with two co-accused persons for
relief of anticipatory bail which was allowed but petitioner
could not deposit a sum of Rs.20,000/- in following with the



condition imposed in that order and accordingly he could not avail the privilege of anticipatory bail and he has been languishing in jail since 16.02.2023 and though against him, there are criminal antecedents of three cases but he is on bail in the said cases.

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

5. Considering the above submissions and mainly the facts that the alleged recovery was made at the bank of a river in the presence of two official persons and petitioner's name came into light in the disclosure made by the villagers gathered at the place of recovery and petitioner is not stated to have been arrested at the spot and against him, the investigation has been completed, 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 in connection with Chandi P.S. Case No. 143 of 2022 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.

(Shailendra Singh, J)

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