

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19352 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- MALSALAMI District- Patna

SANJAY KUMAR @ BARKU @ BADKU S/O LATE LAXMI NARAYAN
YADAV Resident of Village- Shimli Sahadra, Ramdhani Road, P.S.-
Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with Malsalami P.S. Case No.77 of 2023 dated 02.02.2023
registered for the offence(s) punishable under Section(s) 30(a)
and 36 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 40 litres of illicit *Mahuwa* wine and
the same is stated to have been recovered from a general store
and the same has wrongly been shown as shop of this petitioner,
in actual the petitioner's house is situated near the said shop and
mainly on misconception the petitioner has been shown as



owner of the said shop and he has no concern either with the said shop or the seized wine and he has fair and clean antecedent and has been languishing in jail since 03.02.2023 and against him the investigation has been completed.

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

5. Considering the above submissions and mainly the petitioner’s fair and clean antecedent and completion of investigation against him and his young age as mentioned in the petition, 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 Malsalami P.S. Case No.77 of 2023 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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