

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22966 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Umesh Prasad @ Blushirt, Son of Late Mahesh Tanti @ Ram Prasad,
Resident Of Village - Kalali Bhuiyan Toli, P.S. - Buniyadganj, District. - Gaya

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Buniyadganj P.S. Case No. 42 of 2023 dated 07.02.2023
registered for the offence punishable under Section 30 (a) and
(b) of 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 100 litres of illicit wine (*jawa mahua*) and the same
is stated to have been recovered from the house of this petitioner
but in fact, at the time of recovery, the petitioner was not present
there and the said recovery has not been made from his
conscious possession and against the petitioner there is
criminal antecedent of one case which was lodged in the year



2015 and in the present matter the investigation has been completed against him and he has been languishing in jail since 14.03.2023.

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

5. Considering the above submissions and mainly the completion of investigation against this petitioner and also the facts that he was not arrested at the spot of recovery which is stated to be petitioner's house and according to petitioner's plea the said house is in joint possession of his family members, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Buniyadganj P.S. Case No. 42 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)

Rajiv/-

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