

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23801 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- PHULWARIYA District- Gopalganj

SHATRUGHAN KUMAR @ SHATRUDHAN, Male, aged about 27 years,
SON OF SUNIL MAHTO Resident of village - Raghunandanpur, P.S. -
Phulwariya, Distt. - Gopalganj Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, 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
Phulwariya P.S. Case No. 195 of 2022 dated 14.05.2022
registered for the offence(s) punishable under Sections 427 and
307 of the Indian Penal Code and Section 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 567.96 litres of foreign liquor and the same is
stated to have been recovered from a Scorpio vehicle but the
petitioner was not apprehended at the spot and as per the
prosecution's story, mentioned in the FIR, the apprehended co-
accused Suraj Kumar @ Murat Kumar disclosed the role of this
petitioner being a liner in the alleged crime of smuggling of
wine and the said co-accused has been granted bail by a co-



ordinate Bench of this Court vide order Annexure P/3 and one other co-accused, namely, Bablu Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order Annexure P/2 and case of this petitioner is on better footing than co-accused Suraj Kumar @ Murat Kumar as he was not arrested at the spot. Further submissions are that the petitioner has been languishing in jail since 24.01.2023 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 completion of investigation against the petitioner and the privilege of bail having been granted to two co-accused persons, as mentioned-above, 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 Phulwariya P.S. Case No. 195 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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