

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35339 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- DANAPUR District- Patna

KALLU @ BITTU KUMAR @ KALLUA S/O RAMASHANKAR RAY R/O
Village-Pachuchak, Sultanpur Near St. Jones School, P.S.-Danapur, Dist.-
Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Ms Asha Kumari, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 25-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Special Excise Case No 45 of 2022 arising out of Danapur Police Station (for brevity, **PS**) Case No 29 of 2022 dated 09.01.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

As per prosecution case, 2160 liters of illicit foreign liquor was recovered from different vehicles as mentioned in the First Information Report. The two apprehended persons disclosed the name of the petitioner who along with other accused persons used to bring the same from other States.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has two criminal cases, as stated in paragraph 3 of the bail petition in which is on bail. He is in custody in this case since 01.03.2023. It is further submitted that the co-accused Mantosh Kumar has been granted bail by a coordinate Bench of this Court in Cr Misc No 20496 of 2022 (Annexure 2)

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Special Excise Judge, Danapur, Patna in Special Excise Case No 45 of 2022 arising out of Danapur PS Case No 29 of 2022 dated 09.01.2022.

This application stands allowed.

(Chandra Prakash Singh, J)

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