

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46911 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- MALSALAMI District- Patna

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ARUN KUMAR S/o Sonfi Ray R/o Sidhee Ghat, Pirdamadiya, P.S.-
Malsalami, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection
with Malsalami P.S. Case No.239 of 2023 dated 01.04.2023
registered for the offence/s punishable under Section/s 30(a) and
36 of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner's name in the
alleged crime surfaced in the statement of co-accused Rahul
Kumar who was apprehended with the alleged 15 litres of
Mahuwa wine and except the said statement of co-accused there
is no any other material to show the petitioner's involvement in
the alleged crime and petitioner was not apprehended with the
alleged seized wine. Further submissions are that the petitioner



has been languishing in jail since 15.05.2023 and against him the investigation has been completed, though against him there are criminal antecedents of four cases but he has got bail in all 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 petitioner was not apprehended at the spot and the alleged wine is stated to have been recovered from the possession of co-accused Rahul Kumar, who revealed the name of this petitioner as being involved in supplying the alleged wine and moreover against this petitioner the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Malsalami P.S. Case No.239 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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