

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55116 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- BAIRIYA District- West Champaran

Bhola Nishad, aged about 20 years (M), S/O Bhoj @ Bhoj Nishad, resident of
Village- Vinod Nagar, PS- Taraiya Sujan, Dist. Kushinagar (Uttar Pradesh)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bairiya
PS Case No.145 of 2023 dated 01.06.2023, instituted for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. The prosecution case, in short, is that while the
informant was on patrolling duty and making raid for illicit
liquor, he got information that illicit liquor has been kept in
Bathna Sareh village near Shiv temple by concealing the same
in bush. The informant on getting the said information reached
at the place of occurrence and found a person fleeing away from
the place of occurrence, who was apprehended, and total
112.290 litres illicit liquor was recovered kept in cartons and



bottle of Royal Stag.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing was recovered from conscious possession of the petitioner. Illicit liquor was kept in the bush near Shiv temple from where it was recovered. The place of seizure is an open field with which the petitioner has no concern in any manner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, Excise, Bettiah, West Champaran, in Bairiya PS Case No.145 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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