

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71378 of 2022

Arising Out of PS. Case No.-466 Year-2021 Thana- BARH District- Patna

CHHOTU KUMAR @ CHHOTU PASWAN Son of Ram Balak Prasad@Ram
Balak Paswan Resident of Village- Vikash Nagar, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Barh PS case no. 466 of 2021 instituted for the offences
punishable under Section 30(A) of Bihar Prohibition and Excise
Act.

The allegation is regarding recovery of 51 liters
of illicit liquor from the house of the petitioner.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 07.09.2022.
The learned counsel for the petitioner has further submitted that
only because the petitioner is accused in three other similar
types of cases, he has been made accused in the present case,



however, there is no compliance of Section 100 Cr.P.C. while preparing the seizure list, thus the entire case of the prosecution is doubtful.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor he has been arrested from the spot, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise, Barh, Patna in connection with Barh PS case no. 466 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

