

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67687 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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RUKESH KUMAR S/O Matuki Saw R/O Village- Pachna Road, Sathani
Chouk Ward No-17, P.S- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar,Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State

The petitioner seeks regular bail in connection with Lakhisarai Excise Thana Case No.393 C 2 of 2022, registered for the offence punishable under Section 37(i) of the Bihar Prohibition and Excise (Amended) Act, 2022.

The allegation is regarding the petitioner having consumed 29mg of illicit liquor and was apprehended in an intoxicated condition.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case



and he is languishing in custody since 09.10.2022. The learned counsel for the petitioner has further submitted that earlier also, the petitioner was made an accused in a case of similar nature, however, he was released from custody on the same day. It is further submitted that only since the petitioner had not disclosed that he has been convicted in the said another criminal case, lodged against him on similar allegation, the learned court below has not granted bail to the petitioner.

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 petitioner and taking into account the materials on record as also considering the fact that no illicit liquor has been found from the possession of the petitioner and he has merely been alleged to have consumed illicit liquor, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge V-cum-Exclusive Special Court-2 Excise Act, Lakhisarai in connection with Lakhisarai Excise Thana Case No.393 C 2 of 2022.

(Mohit Kumar Shah, J)

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