

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70936 of 2022

Arising Out of PS. Case No.-429 Year-2022 Thana- BARBIGHA District- Sheikhpura

BALRAM KUMAR S/o Anil Singh R/o Village- Pinjri, P.S.- Barbigha, Distt-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, 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 Barbigha case no. 429 of 2022 instituted for the offences punishable under Sections 30(a), 32(ii), 41(i), 52 of Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 167.250 liters of illicit foreign made liquor from a subterranean cavity situated near the canal, outside the village on 03.10.2022 and subsequently, the accused persons including the petitioner herein are stated to have been apprehended on 08.10.2022.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in



custody since 08.10.2022. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the illicit liquor has been recovered belongs to the petitioner nor he has been arrested from the spot and merely on suspicion, he has been roped in the present case, hence, the petitioner is not having any complicity in the matter.

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 petitioner has been arrested from the spot nor any illicit article has been recovered from the conscious possession of the petitioner nor the place from where illicit liquor has been recovered belongs to the petitioner, 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 A.D.J. IInd, Sheikhpura in connection with Barbigha case no. 429 of 2022.



Let a copy of this order be placed before the Hon’ble
the Acting Chief Justice for perusal.

(Mohit Kumar Shah, J)

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