

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68447 of 2022

Arising Out of PS. Case No.-733 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

RIJWAN ALAM SON OF SABIR SHEKH @ TERAR MIYA @ SABIR
DHUNIYA R/O VILLAGE- BABURA, P.S.- BHABUA, DISTRICT-
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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 Bhabhua PS case no. 733 of 2022 instituted for the offences punishable under Section 30(A) of Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 25(1-b)a, 26 of Arms Act.

The allegation is regarding recovery of 3.060 liters of illicit liquor and one single barrel gun from the hut of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has



further submitted that the petitioner is accused in one other case but he is on bail in the said case. The petitioner is stated to be languishing in custody since 10.11.2022. It is also submitted that no illicit liquor or arms have been recovered from the house of the petitioner rather the recovery has been made from an open hut belonging to the petitioner and his family members, hence, the petitioner cannot be made solely liable for the alleged recovery.

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 period of incarceration of the petitioner herein apart from the fact that the recovery in question has been made from an open hut, which is in joint possession of the petitioner and his family members, 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 No. 1-cum-A.D.J. IV, Kaimur at Bhabhua in
connection with Bhabhua PS case no. 733 of 2022.

(Mohit Kumar Shah, J)

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