

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69329 of 2022**

Arising Out of PS. Case No.-422 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

SANDEEP @ CHHOTU Son of Late Bishwanath Sah @ Vishwanath Gond
Resident of Village- Shrinagar, P.S.- Siwan Muffasil, District- Siwan, Bihar-
841226

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**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 Siwan Muffasila P.S. Case No. 422 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Amendment Act 2018.

The allegation is regarding recovery of 123 liters of illicit country made liquor from the bushes situated at old *Khandar* house near the temple.

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 14.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases, but he is on bail in all the said two cases. The learned counsel for the petitioner has submitted by referring to paragraph no. 6 of the present petition that the petitioner is having no connection with the said old dilapidated house from where the illicit liquor has been recovered, hence, he 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 petitioner and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that the old dilapidated house from where the illicit liquor has been recovered



does not belong to the petitioner, apart from fact that he is languishing in custody since 14.10.2022, 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 ADJ-II cum Special Judge Excise-II, Siwan in connection with Siwan Muffasil P.S. Case No. 422 of 2022.

(Mohit Kumar Shah, J)

Ajay/-

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

