

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1436 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

Subodh Kora Son of Sahdev Kora R/v- Dargaha Tola, Kacchua, Korasi, P.S.-
Chanan, District- Lakhisarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Excise Case No. 22C2 of 2021 dated 07.02.2021 registered for the offences punishable under Sections 30(a), 32, 41 and 56(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

4. The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 65 litres of illicit country-made wine and 1300 kgs of fermented Java Mahua but the said recovery was made from forest area

and petitioner and co-accused Rajendra Kora were not apprehended at the spot and they have been made accused in connection with the allegedly recovered alcoholic materials mainly on the basis of suspicion and the said co-accused Rajendra Kora has been granted anticipatory bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 29315 of 2021. Further submissions are that the petitioner is a farmer and has been languishing in jail since 12.09.2022 and the recovery of the alleged wine cannot be deemed to have been made from the possession of this petitioner, though against the petitioner there are criminal antecedents of four cases but he has got bail in all the said cases.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the petitioner's custody period and privilege of bail having been granted to the similarly situated co-accused by a co-ordinate bench of this Court as mentioned above and mainly the facts that as per seizure memo the recovery of the alleged alcoholic materials was made from a forest area and petitioner was not apprehended at the spot while manufacturing the illicit liquor and the main witnesses who are to be examined in the trial of

the petitioner are official personnel and against the petitioner the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Excise Case No. 22C2 of 2021.

(Shailendra Singh, J)

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