

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1236 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- JAMUI District- Jamui

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Rohit Kumar, Son of Mahendra Prasad @ Mahendra Prasad Yadav, R/O
Panch Mandir Road Jamui, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Jamui P.S. Case No. 54 of 2021 dated 11.02.2021 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition of Excise (Amendment) Act, 2018.

3. As per the prosecution, on confidential
information, the informant raided the toilet of Ram Swaroop
Yadav' house, and on search a total 6 litres foreign liquor of
different brands was recovered and the same was seized.
Further it is alleged that the co-villager disclosed that Rohit
Kumar (petitioner), Mithu Yadav and Rohit Yadav were
involved in illegal liquor business.



4. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 6 litres of foreign liquor and the same was recovered from the toilet yard of co-accused Ram Swaroop Yadav and the allegation is that this petitioner and co-accused person Mithu Yadav concealed the said wine at the alleged place but except the suspicion there is no material or evidence to connect the petitioner to the alleged recovery of liquor and the alleged place of recovery was not in the knowledge of the petitioner and the provisions of Section 100 of Cr.P.C. were not followed by the officials, who searched and seized the alleged liquor and the petitioner has been languishing in jail since 11.10.2022.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly petitioner's custody period and stage of his case, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail, after framing of charge, if the same has not been framed**, in connection with Jamui P.S. Case No. 54 of 2021 on furnishing bail bond of Rs.10,000/-(Ten



Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned.

(Shailendra Singh, J)

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