

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72206 of 2024

Arising Out of PS. Case No.-366 Year-2024 Thana- BANIAPUR District- Saran

Biresk Kumar @ Viresh Kumar Ojha @ Biresk Kumar Ojha Son of Ishwar
Ojha Resident of Sati Tola, Dhangarhan, P.S.- Baniapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivesh Sinha, Adv
	:	Mr. Amrit Kumar, Adv
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Baniyapur P.S. Case No. 366/2024 dated 09.08.2024 registered for the offences punishable u/s 30(a), 32(1), 32(2), 32(3), 38, 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 28.080 litres of illicit foreign liquor was recovered from the new house of Viresh Kumar (petitioner) and 190.080 litres of illicit liquor was recovered from two cartoon kept on the verandah of the new house of petitioner.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. Similar situated co-accused person has already been granted bail by this Court vide order dated 08.10.2024 passed in Cr. Misc. No. 73515 of 2024. The petitioner has two antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 10.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran, Chapra in connection with Baniyapur P.S. Case No. 366/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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