

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42075 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

SHASTRI PASI @ DHARMENDRA SHASTRI Son of Budhu Pasi Resident
of Village - Malhipur @ Mallipur, P.S. - Chenari, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Excise Case No. 977 of 2020, arising out of Karamchat Police
Station Case No. 65 of 2020, registered for the offences
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information,
proceeded towards the place of occurrence and upon seeing the
police party, five persons succeeded in fleeing away after
crossing the river, and the police recovered a total quantity of
six litres of illicit mahua liquor and 1600 kgs. of fermented
mahua from the bank of the river.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information and the disclosure of his name by the village chowkidar. He further submits that the petitioner has got no criminal antecedent of similar nature and no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner; rather, the illicit liquor and the fermented mahua has been recovered from the bank of the river, which is an open space, accessible to all and sundry. He further submits that the petitioner is in custody since 30.06.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that no illicit liquor has been recovered from the possession of the petitioner, he is in custody since 30.06.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Kaimur, at Bhabhua, in connection with Excise Case No. 977 of 2020, arising out of Karamchat Police Station Case No. 65 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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