

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5364 of 2017

Arising Out of PS.Case No. -566 Year- 2016 Thana -KOTWALI District- PATNA

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Sunny Kumar @ Sunny, son of late Tarun Kumar, resident of village-
Hamidpur, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 06-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kotwali P.S.Case No. 566 of 2016 instituted under Sections
30(a) and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation, in brief, is that during vehicle
checking, the accused persons, while going on by a motorcycle,
were stopped by the police and the police, having found smell of
liquor from their mouths and in possession of one bottle of foreign
liquor containing 750 ml, brought them to police Station. On being
checked by mouth analyzer machine, they were found in drunken
condition.

Learned counsel for the petitioner submits that the
entire allegation against the petitioner is false and nothing has



been recovered from his possession otherwise he would have been arrested by the police at the spot and the petitioner has got no any criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, namely, Sunny Kumar @ Sunny, in the event of arrest or surrender before the court below within four weeks from today, be released on bail upon furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S.Case No. 566 of 2016 , subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Arun Kumar, J)

Sujit/-

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