

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28017 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- MAJORGANJ District- Sitamarhi

Sunil Kumar , son of Rambabu Rai, resident of village- Parsa Gaon, Ward No. 3, Police Station - Mejorgunj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-05-2018 Heard Sri Uday Kumar, learned counsel for the petitioner and Dr. Mrityunjay Kumar Gautam, learned Additional Public Prosecutor.

The sole petitioner, who is in custody since 7.4.2018 , has prayed for grant of bail in connection with Mejorgunj (Suppi Out Post) P.S. Case No. 31 of 2018, registered for the offence under Sections 272, 273 of the Indian Penal Code, 1860 and Section 30(A) of the Bihar Prohibition and Excise Act, 2016 purely on the ground of parity.

It was submitted by learned counsel for the petitioner that in the F.I.R. on secret information petitioner along with one Anjani Kumar was made accused, however, co-accused Anjani Kumar has been extended the privilege of anticipatory bail. It has further been argued that nothing was recovered either from



conscious possession of the petitioner or from the land of the petitioner. In the present case recovery of about 17 liters of Nepali Soufi wine was shown from an orchard not belonging to the petitioner. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent.

Be that as it may, considering the fact that nothing was recovered from the premises of petitioner nor field or orchard of the petitioner as well as clean antecedent of the petitioner and nature of accusation, let the petitioner Sunil Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II – cum- Special Judge, Excise Act, Sitamarhi, District – Sitamarhi / concerned court in connection with Mejorgunj (Suppi Out Post) P.S. Case No. 31 of 2018.

(Rakesh Kumar, J)

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