

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33611 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- PHULWARISHARIF District- Patna

SUNIL KUMAR Son of Ganauri Saw Resident of Janipur, Sorampur, P.S.-
Janipur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Meena Singh

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

ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

24 litres of foreign liquor is said to have been recovered from the motorcycle of Suraj Gupta and said accused was apprehended while two other accused persons on another motorcycle managed to escape. Apprehended accused disclosed the name of the petitioner as one of his fleeing accomplices in the occurrence.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has



no concern either with the seized liquor or trade of liquor. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused Suraj Gupta due to animosity. Hence no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Special Case No. 2867 of 2019 arising out of Phulwari (Janipur) P.S. Case No. 258 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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