

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46498 of 2019**

Arising Out of PS. Case No.-150 Year-2019 Thana- SAKRA District- Muzaffarpur

PANKAJ KUMAR Son of Kamlesh Ray Resident of Village - Misraulia, P.S.-
Sakra, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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

ORAL ORDER

3 17-10-2019 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 Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 30(c), 33, 34(a), 34(b), 36 and 52 of the Bihar Prohibition and Excise Act, 2016.

On the tip off about brewing of the duplicate liquor by Sonu Kumar in his house in connivance with Chunnu Singh and the petitioner, informant raided the house of Sonu Kumar and recovered 53 litres of English wine and three accused persons managed to escape. One of them was named as petitioner Pankaj Kumar by the persons congregated there.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or place of recovery or any trade of liquor. He has been falsely implicated in the case. Identity and genuineness of the source of information has not been mentioned in the written report. 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, Muzaffarpur in connection with Sakra P.S. Case No. 150 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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