

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60736 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

-
1. Suman Kumar Son of Ramanand Thakur
 2. Arjun Thakur Son of Tribhuwan Thakur
- Both are residents of Mohalla - J.P. Colony, P.S.- Town, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with G.O. No. 25 of 2019 (A.B.P. No. 719 of 2019), registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioners is that on the basis of secret information, the Excise Officer on search recovered a total quantity of 4.320 litres of illicit liquor from the shop of petitioner no.1 and 4.200 litres of illicit liquor from the shop of petitioner no.2.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to local politics. He further submits that at the time of recovery of illicit



liquor the petitioners were not present and the seized liquor do not belong to the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from the shop of the petitioners and in view of the Full Bench judgment passed in **Cr. Appeal (SJ) No. 431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C.

This application is, accordingly, dismissed.

However, if the petitioners surrender before the court below within a period of 15 days for regular bail, the court below will consider the case for grant of regular on the same day without being prejudiced to the fact that that this Court has dismissed this application.

(Anil Kumar Sinha, J)

S.Katyayan/-

U		T	
---	--	---	--

