

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64339 of 2019

Arising Out of PS. Case No.-464 Year-2019 Thana- KADAMKUAN District- Patna

PINTU KUMAR Son of Late Dhurub Sahani Resident of Village - Railway
Hanter Road Mandir, P.S.- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Shaheen Begum

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Special Case No.6447 of 2019, arising out of Kadamukuan
P.S. Case No.464 of 2019, registered under Section 30(a) of the
Bihar Prohibition Excise Act, 2016.

The accusation is that in course of patrolling duty, on
receiving the information about moving of Akash Kumar with
liquor, keeping the same in the pocket to sell, in front of the
road, near Nisha Devi Temple, the informant along with other
police personnel reached there. On seeing the police party, one
boy tried to flee away from there but he was apprehended, who
disclosed his name Akash Kumar Choudhary. On search, he



was found in possession of one pouch containing 180 ml. Indian Made Foreign Liquor, cash Rs.7500/- and a mobile phone. On query, he admitted that he used to keep the stock of liquor by concealing the same and walk with 1-2 pieces to sell it. He also disclosed that Moti Sahani, Pintu Kumar (petitioner) and Suraj Kumar are his associates and they are indulged in selling the liquor. On the indication of apprehended accused Akash Kumar Choudhary, the informant along with him and the other police personnel reached at the joint house of the aforesaid persons from where, on search, 10 bottles, each containing 750 ml., 17 cane, each containing 500 ml. and 8 PM Tetra Pack containing 210 pouches of 180 ml., Indian Made Foreign Liquor, were recovered from underground passage constructed besides the drain. Moti Sahani, this petitioner and Suraj Kumar were not found at their joint house.

Learned counsel for the petitioner submits that while it is alleged in the F.I.R. that the alleged recovery was made from underground passage constructed besides the drain of the joint house of Moti Sahani, Suraj Kumar and this petitioner but it would appear from the seizure list that the alleged recovery was made from the underground passage constructed beside the drain of the joint house of Suraj Kumar and Moti Sahani and not



of this petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum-Special Judge Excise, Patna, in connection with Special Case No.6447 of 2019, arising out of Kadmukuan P.S. Case No.464 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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