

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69891 of 2019

Arising Out of PS. Case No.-676 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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SONU KUMAR Son of Awadh Jaishwal @ Avadha Kishor Sah Resident of
Village - Ghorasahan, P.S.- Ghorasahan, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **Excise Case No. 676 of 2019**, disclosing the offences under Sections 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged in the prosecution report that some persons were noticed carrying illicit liquor coming from the direction of Nepal, to India. When the Police asked them to stop, they threw away the articles which they were carrying and fled away. On chase, the petitioner was apprehended and the articles were recovered. Allegedly, 117 liters of *Nepali* wine was recovered.

Learned counsel appearing on behalf of the petitioner has contended that even if the case as disclosed in the prosecution report is accepted, it cannot be said that the petitioner was carrying the



entire articles seized. He has submitted that as a matter of fact, the First Information Report does not indicate that the petitioner was carrying such article, though, there is allegation that he was arrested by the Police on chase. The petitioner is in custody since 30.07.2019.

On perusal of the First Information Report, I find some substance in the submission made on behalf of the petitioner.

Considering the above, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Special Judge, Excise, East Champaran, Motihari**, in connection with **Excise Case No. 676 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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