

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72098 of 2019

Arising Out of PS. Case No.-658 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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MRITUNJAY KUMAR Son of Sri Raghunath Bhagat Resident of Village -
Amahra, P.S.- Bihta, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner in this case is seeking regular bail in connection with Excise Case No. 658 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the alleged recovery of liquor has been made from a Tempo to which the petitioner has no concern. It is further submitted that nothing has been recovered from conscious possession of the petitioner. The petitioner is in custody since 12.10.2019 having no criminal antecedent.

Learned APP has opposed the prayer of bail.

Considering the facts and circumstances of the case wherein it appears from the record that the illicit liquor of 337



liters has been recovered from a Tempo which was being driven by this petitioner, the petitioner submits that the Tempo did not belong to him and in this respect he has made statement in paragraph '12' of the present application and has challenged the recovery of alleged liquor from the said Tempo, the petitioner having no criminal antecedent and is in custody since 12.10.2019 and at present the investigation has not come to an end, this Court directs on completion of investigation or on 12th January, 2020 whichever is earlier, the petitioner shall be released on bail in connection with Excise Case No. 658 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any Police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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