

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77277 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- KHARIK District- Bhagalpur

GANESH KUNWAR @ GANESH KUMAR S/o Narsingh Kunwar R/o
village- Telghi (Thelji), P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-12-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Kharik PS case no. 248 of 2019 instituted for the offences
punishable under Sections 30(A), 38(i) of Bihar Prohibition &
Excise (Amendment) Act, 2018.

Informant who is a police officer has stated in his
written complaint that on 01.10.2019 at about 8 pm, he received
a secret information that from a Tata 407 vehicle, illicit liquor
was being unloaded and was being kept in the Vasa of Rajniti
Singh, son of Sita Ram Singh and on getting the said
information, he along with other police personnel proceeded
towards the said place and on seeing the police, the person who
had assembled there, fled away and the said vehicle along with



illicit liquor was seized but no satisfactory explanation was provided by the owner of the Vasa. The name of the petitioner is stated to have transpired in the present case on account of secret information received by the police to the effect that he is a part of the gang engaged in illicit business of liquor.

The learned counsel for the petitioner has submitted that neither any illicit liquor has been recovered from the petitioner nor the petitioner has been arrested from the place, from where the alleged recovery of illicit liquor was made. It is further submitted that the vehicle in question also does not belong to the petitioner. It is further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Bench of this Court vide order dated 09.12.2019 passed in Cr. Misc. no. 80611 of 2019 and vide order dated 11.12.2019 passed in Cr. Misc. no. 81804 of 2019. Lastly, it is submitted that the petitioner is having a clean antecedent and he is languishing in custody since 07.10.2019.

Having regard to the facts and circumstances of the case, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Bhagalpur in
connection with Kharik PS case no. 248 of 2019.

(Mohit Kumar Shah, J)

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