

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10426 of 2020**

Arising Out of PS. Case No.-25 Year-2020 Thana- BIHPUR District- Bhagalpur

Raushan Kumar, aged about 30 years, Male, Son of Bibhuti Choudhary,  
Resident of Jhandapur, P.S. - Jhaudapur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate  
For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      29-05-2020                      Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Bihpur  
P.S. Case No. 25 of 2020 registered for the offences punishable  
under Sections 30(a) & 38 (I) of the Bihar Prohibition Excise  
Act, 2016.

The prosecution case in short is that the informant  
Ranjeet Kumar SI Bihpur P.S., Bhagalpur has recorded in his  
statement that on 21.01.2020 at about 12:30 hrs., on the basis of  
secret information the informant along with his police force  
reached at garden situated at villager Korehakka and saw that  
there was very old house in the said garden in bad condition.  
Thereafter, the informant started to search the said house, then a  
person came out from a house and tried to flee away. Thereafter,  
the informant apprehended the said fleeing person and on being



asked the said person disclosed his name as Roushan Kumar and he also disclosed that the owner of the said house is Sudhir Singh. On being interrogated the said apprehended person disclosed that he is doing business of wine along with other accused persons, namely, Satyam Kumar, Rahul Kumar, Dobhi Kumar @ Piyush Kumar, Mohan Madhav, Ajit Kumar, Sanjay Rai, Sanjeev and Anjani. Thereafter, the informant searched the said house and recovered total 382.48 litre of foreign wine. Thereafter, on the basis of the statement of the apprehended person the informant searched shop of the apprehended person and recovered total 49.89 litre foreign wine.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather 382.48 litres of foreign liquor has been recovered from the house and 49.89 litres of foreign liquor has been recovered from the shop. Learned counsel for the petitioner further submits that the said house and shop do not belong to the petitioner. Learned counsel for the petitioner further submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the petitioner has no criminal antecedent. Learned counsel for the petitioner further submits that the petitioner is in jail custody



since 22.01.2020.

Learned A.P.P. for the State opposed the bail petition.

Petitioner is agreed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Cum Special Judge (Excise Act), Bhagalpur in connection with Bihpur P.S. Case No. 25 of 2020.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.15,000/- (Rupees Fifteen Thousand) in the PM Cares fund.

**(Anjani Kumar Sharan, J)**

Nasimul/-

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