

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18837 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- JAMALPUR District- Darbhanga

Sunil Kumar (Male), aged about 25 years, Son of Ram Prakash Resident of Village - Somnaha, P.S.- Chakmehansi, District- Samastipur. At present residing at B, 529 Kathputali Colony, Pandav Nagar, Police Station- Sadipur, District - Karol Bagh, New Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar Srivastava

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2020 Heard Mr. Sunit Kumar Srivastava, learned counsel for the petitioner and learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Jamalpur P.S. Case No. 02 of 2020, G.O. Case No. 35 of 2020 registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code, 1860 and under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

The allegation against the petitioner as per the First Information Report is that Police got a secret information that one Jitendra Yadav of village- Haigaon was unloading liquor near his door from a truck. The Police proceeded towards the place of occurrence and upon seeing the Police party, some



persons started fleeing away upon a four wheeler vehicle and a motorcycle, however, they were intercepted by the Police. On interrogation the person riding on the motorcycle disclosed his name as Gauri Shankar Yadav and also informed that co-accused Jitendra Yadav has called for unloading the liquor and the motorcycle in question belongs to Jitendra Yadav. The driver of the four wheeler vehicle disclosed his name as Sadre Alam and the other accused person who were boarding the four wheeler vehicle disclosed their names including the petitioner Sunil Kumar. Upon search of the container truck bearing Registration No. HR46E6679 standing near the door of Jitendra Yadav the Police recovered on 453.6 liters of illicit liquor and 2800 empty bottles from the said truck. Thereafter, at the instance of the co-accused Gauri Shankar Yadav Police further recovered 560.16 liters of illicit liquor from *Kabristan* situated in village- Halgaon and 2.62 liters of illicit liquor from the hut of Ram Narayan Yadav.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case having no criminal antecedent. Learned counsel referring to page no. 27 of the present bail application i.e. this seizure list of the articles seized from possession of the petitioner submits that from



perusal of the same it would be evident that no illicit liquor has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner is not the owner of the truck in question and the other vehicles mentioned in the first information report. Learned counsel further submits that similarly situated co-accused namely Gauri Shankar Yadav has been granted bail by a co-ordinate Bench of this court in Cr. Misc. No. 13290 of 2020.

Having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from conscious possession of the petitioner and petitioner is not the owner of the vehicle from where illicit liquor has been recovered and similarly situated accused person has been granted bail by this Court and petitioner is in custody since 06.01.2020 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of , learned 2nd Addl. Sessions Judge -cum- Special Judge (Excise Act), Darbhanga in connection with Jamalpur P.S. Case No. 02 of 2020 , G.O. Case No. 35 of 2020 .



It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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