

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18937 of 2020
Arising Out of PS. Case No.-997 Year-2018 Thana- Bihta District- Patna

Too Babu @ Sunil Rai (Male), aged about 50 years, male son of Raghunandan Bhagat,
 resident of village Daulatpur, P.S.: Bihta, District-Patna

Petitioner

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Versus

The State of Bihar

.....

Opposite party

Appearance

For the Petitioner : Mr. Aryan Singh, Advocate

For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15/05/20 Heard learned counsel for the petitioner and learned A.P.P for
 the State, through video conferencing.

The petitioner who is in custody since 28.1.2020 has filed the
 instant application for grant of bail in connection with Bihta P.S.
 Case no. 997 of 2018 registered under section 30(a) of the Bihar
 Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on the police personnel
 reaching the place of occurrence, they found illegal liquor being
 manufactured. One of the accused persons managed to escape. It is
 further stated that 75 litres of illegal liquor was recovered along
 with machine used for manufacture of the same.

It is submitted by learned counsel for the petitioner that the
 F.I.R. was registered against unknown and the name of the
 petitioner transpired in course of investigation. It is further
 submitted that from perusal of the order of the learned Court below



rejecting the application for bail of the petitioner it would transpire that no incriminating article has been recovered from the conscious possession of the petitioner. The total liquor seized is stated to be 75 litres. The petitioner is in custody since 28.1.2020 and the investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner has two other cases under the Bihar Prohibition and Excise Act pending against him.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not arrested at the spot, he has remained in custody since 28.1.2020 and investigation in the case has already concluded, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Special Case no. 8413 of 2018 (arising out of Bihta P.S. Case no. 997 of 2018) on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna.

(Partha Sarthy, J)

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