

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19161 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- SANDESH District- Bhojpur

1. Ram Babu Kumar Son of Late Kalactar Singh Resident of Village - Bhagwatipur, P.S.- Udwanthnagar, District - Bhojpur.
2. Jhanjhu Kumar @ Jhanjhu Ram Son of Late Shambhu Ram Resident of Village - Kusumha, P.S.- Udwanthnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Advocate

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioners and learned APP
for the State, through video conferencing.

The petitioners who are in custody since 24.2.2020 have filed the instant application for grant of regular bail in connection with Excise Case no. 365 of 2020 arising out of Sandesh P.S. Case no. 38 of 2020 registered under sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016

As per allegation in the FIR, two persons coming on a motorcycle were signaled to stop by the police personnel and on checking 10 litres of Mahua liquor was recovered from a container that they were carrying. On being tested by the breath analyzer machine, it transpired that the petitioner no. 2 had taken alcohol.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are incorrect and the petitioners have been falsely implicated in this case. It is further



submitted that in the earlier cases lodged against the petitioner no. 1 he has been enlarged on anticipatory bail and even in course of search in the present case, there has been violation of provision of section 100 Cr.P.C. The petitioner no. 2 has no criminal antecedent and both the petitioners are in custody since 24.2.2020. It is further submitted that charge sheet has been submitted in the case.

The application for bail is opposed by learned Additional PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner no. 1 having criminal antecedent and the petitioner no. 2 having been found to have taken alcohol as per result in the breath analyzer test, the Court is not inclined to enlarge the petitioners on bail and as such their application for bail is rejected. However, in the facts and circumstances of the case, if so advised the petitioners may renew their prayer for bail after completing six months in custody.

(Partha Sarthy, J)

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