

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21538 of 2020**

Arising Out of PS. Case No.-85 Year-2020 Thana- MINAPUR District- Muzaffarpur

SANJAY KUMAR Son of Rajkumar Bhagat Resident of Village - Rupauli
Bisunpur, P.S.- Minapur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 24-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner undertakes that all defects pointed out by the
Stamp Reporter shall be removed, and compliance with the
conditions of the notices of this Court with regard to acceptance
of e-filing shall be made, without delay immediately after the
lockdown ends, and in any event within one month thereof.

2. The petitioner is in custody since 10.03.2020 in
connection with Minapur P.S. Case No. 85 of 2020 for the
offences alleged under Section 30(a) of Bihar Prohibition and
Excise Act, 2016, Sections 272, 273, 414 of the Indian Penal
Code and Section 25(1-b)a/26/35 of the Arms Act.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of total 6.84 litres of



wine and one country-made pistol with two cartridges from a Maruti Omni van. It is submitted that the petitioner has no concern with the seized goods and the recovery of the goods has not been made from his conscious possession. As a matter of fact, it is the petitioner's brother, Ajay Kumar, who was doing business of wine along with one co-villager Kameshwar Kumar for which the Maruti Omni van was being used. The petitioner claims clean antecedents.

4. Learned APP appears and invites reference to the order of the learned Special Judge, Muzaffarpur, noticing that the documents relating to the Maruti Omni van from which recovery was made, showed that the said vehicle was under the control of the petitioner.

5. Be that as it may and having regard to the period of custody already suffered since 10.03.2020, let the petitioner above named be released on bail upon completion of six months in custody on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Minapur P.S. Case No. 85 of 2020, if he is not otherwise required in any other case.

6. Office shall ensure that all defects have been



removed and compliance with the notices of this Court has been made, within the stipulated time as provided in para 1 hereinabove.

(Vikash Jain, J)

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