

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21248 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- KANHAULI District- Sitamarhi

KURBAN SAH Son of Bahadur Sah Residence of Village - Matiyar Khurd,
P.S.- Sahiyara, District – Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-06-2020

Heard learned counsel for the parties.

This application for regular bail arises out of Kanhauli P.S. Case No. 24 of 2020, disclosing offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The Officer Incharge of the Police Station is the informant. He has alleged in the F.I.R. that on the basis of secret information that some persons were carrying illicit liquor, he had started checking the persons, he noticed that some persons were carrying gunny bags. The moment, they saw the police party, they threw away the gunny bags and started fleeing away. On chase, the police could apprehend only the petitioner whereas the others managed to flee away. The police are said to have recovered a total of 216 liters of illicit liquor from the



gunny bags thrown by the miscreants.

Learned counsel appearing on behalf of the petitioner has submitted that even if what is alleged in the F.I.R., is considered to be correct, it cannot be the case of the prosecution that the petitioner was in possession of 216 liters of illicit liquor. He contends that according to the case of the prosecution itself so many persons were carrying illicit liquor. He has further submitted that the petitioner has been apprehended with the sole allegation that he was also found fleeing away from the place of occurrence.

Be that as it may, considering the submissions and the fact that the petitioner has no criminal antecedent, this application is allowed.

Let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Kanhauli P.S. Case No. 24 of 2020.

(Chakradhari Sharan Singh, J)

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