

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21527 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- SURYAGARHA District- Lakhisarai

1. NITESH KUMAR Son of Lalan Singh Resident of Village - Jaitpur, P.S.- Barhaiya, District - Lakhisarai
2. Gautam Kumar @ Chotu Son of Lalan Singh Resident of Village - Jaitpur, P.S.- Barhaiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-07-2020 Heard learned counsel for the petitioners and learned APP for the State through video conference. Learned counsel for the petitioners 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 petitioners are in custody since 27.02.2020 in connection with Surjagarha Nagar P.S. Case No. 37 of 2020 for the offences alleged under Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of different quantities of foreign liquor from a truck, pick-up van and Scorpio, in all totaling 2237 litres. It is further stated that recovery of



1296 litres from the boring of Pawan Paswan has been made on the confessional statement of co-accused Haro Kumar and Himanshu Kumar, and not of the petitioners, who have been implicated on mere suspicion. The petitioner no.1 claims clean antecedents while petitioner no.2 is accused in two prior cases.

4. Learned APP appears and opposes the bail petition, submitting that the petitioners were arrested at the spot and large quantities of foreign liquor have been recovered from three different vehicles. The petitioner no.2 is accused in two cases of serious nature, namely Maranchi P.S. Case No. 47 of 2017 and Barhaiya P.S. Case No.79 of 2017.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioners. The petition stands dismissed.

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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