

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22051 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

Mahadev Kumar @ Murari Kumar, Gender- Male, aged about 20 years, son of
Daya Shankar Singh, Resident of- Hanumangadhi, P.S.- Muffasil, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Kumar Lal, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-08-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Sudhanshu Kumar Lal, learned counsel
for the petitioner and Mr. Jharkhandi Upadhyay, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

3. The petitioner is in custody in connection with
Matihani P.S. Case No.16 of 2020 dated 19.02.2020, instituted
under Sections 120-B of the Indian Penal Code and 30(a) and 32
of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and four others
is of dealing in illicit liquor.



5. Learned counsel for the petitioner submitted that the petitioner was neither caught at the spot nor was he named as one of the persons, who had run away from the spot. It was submitted that nothing has been recovered from the possession of the petitioner and only on suspicion he has been made an accused. It was further submitted that co-accused Bittu Kumar, who is alleged to have run away from the spot, has been granted bail by a co-ordinate Bench on 08.07.2020 in Cr. Misc. No.21754 of 2020. Learned counsel submitted that the petitioner is in custody since 28.04.2020.

6. Learned APP submitted that there is recovery of 4839.840 litres of illicit liquor and the truck was bearing registration number of the State of Punjab and the Scorpio had also registration number of the State of Jharkhand. It was submitted that the police had prior information that the petitioner was one of the persons, who was running the business of illicit trade and on specific information the police has made the seizure. It was submitted that the petitioner has criminal antecedent as he is accused in two other cases of similar nature in the past also. Learned counsel submitted that the petitioner is the person, who deals in liquor and organizes such illicit delivery and even after being released in two other cases, has



continued to indulge in similar crime, which itself proves that he has abused the privilege of bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submission of the learned APP and, thus, is not inclined to enlarge the petitioner on bail, for the present.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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