

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22029 of 2020

Arising Out of PS Case No.-124 Year-2020 Thana- KATEYA District- Gopalganj

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1. Sanjay Shah, Male aged about 40 years, Son of Pasupati Sah.
 2. Basudev Shah, Male, aged about 39 years, Son of Chokat Sah.
Both Resident of Village- Bhikhad Bazar, P.S.- Uchkagaon, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-07-2020

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

2. Heard Mr. Ranjan Kumar Srivastava, learned counsel for the petitioners and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Kateya PS Case No. 124 of 2020 dated 08.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



4. It is alleged that the petitioners were caught on a motorcycle and from their possession 44.6 litres of illegal liquor kept in a sack has been recovered.

5. Learned counsel for the petitioners submitted that the recovery is not in accordance with law. It was further submitted that the recovery has also not been from their conscious possession. Learned counsel submitted that in the FIR itself, it has been mentioned that the alleged liquor was meant for being sold by co-accused Parmatma Singh, and not the petitioners. It was further submitted that the petitioners are in custody since 08.05.2020.

6. Learned APP submitted that the petitioners are habitual offenders and have been committing crime under the Act repeatedly and, thus, it is clear that they have been misusing the privilege of bail granted to them by the Courts. It was submitted that against petitioner no. 1, there are three other cases of similar nature whereas against petitioner no. 2, there is one case, also of similar nature. It was further submitted that even otherwise, upon conviction, petitioners face minimum of 10 years imprisonment and are in custody for little over two months, and in the background of them being repeated offenders, the Court may not grant them any indulgence.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on bail, for the present.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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