

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22234 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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MONU KUMAR @ BHARTENDU KUMAR S/o Nand Kishore Singh
Resident of Village- Sankh Mohan, P.S.- Bibhutipur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Surendra Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-09-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Bibhutipur P.S. Case No. 18 of 2020, disclosing offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Excise and Prohibition Act, 2016.

The police are said to have recovered 1070 liters of Indian made foreign liquor from a place, on the basis of secret information, which they had received. It is alleged in the F.I.R. that the persons involved in illicit trade of liquor were seen fleeing away from the place of recovery, who were identified by local village *chowkidar*, with the aid of torch light.

Learned counsel appearing on behalf of the petitioner has submitted that except the so called identification



by village *chowkidar* of the petitioner as one of the persons, who was seen fleeing away, there is absolutely no material against him. The petitioner had never been implicated in past in any case with the allegation of his involvement in trade of illicit liquor. He has further submitted that out of local rivalry and disputes the petitioner has been falsely implicated, who has recently got a job in the Indian Railways.

Considering the fact that there is no recovery from the petitioner's possession and his involvement is only on the basis that he was seen fleeing from the place of seizure, this application is allowed.

Let the petitioner 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 Addl. Sessions Judge-II-cum-Special Judge Excise Act, Samastipur in connection with Bibhutipur P.S. Case No. 18 of 2020.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for



communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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