

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25223 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- SAKRA District- Muzaffarpur

PINTU KUMAR Son of Ramlal Ray Resident of Village - Dubahan Bujurg,
P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.A.M. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-11-2020

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Sakra P.S. case No. 127/2019 registered u/s 272, 273 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant, a probationer IPS officer, alleged that on 25.03.2019 he got confidential information that Ramlal Ray, Pintu Kumar and Sonu Kumar were dealing in liquor trade and they have kept the liquor in the house of Ramlal Ray. After having received such information, the informant raided the house of Ramlal Ray but three persons managed to flee away from there. 1706.04 liters of liquor was recovered from the house of Ramlal Ray.

The learned counsel for the petitioner submits that the petitioner is innocent and he has, in fact, committed no offence. The petitioner has falsely been implicated in the case. The recovery is made from the house of the father of the petitioner.



The petitioner was not present in his house. Sonu Kumar, a similarly situated accused, has already been granted bail by a coordinate bench of this court vide order dated 21.01.2020 passed in Cr. Misc. No. 78965/2019. The petitioner is in custody since 04.06.2020. The petitioner has already remained in jail for five months but it appears from perusal of the records and the case diary that the petitioner is son of Ramlal Ray and from the house of petitioner and his father 1706 liters of liquor was recovered and for that the petitioner has remained in jail for only five months. The case of the petitioner stands on different footing as that of Sonu Kumar since nothing has been recovered from the house of Sonu Kumar.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected. The petitioner may renew his prayer for bail after remaining nine months in custody.

(Prabhat Kumar Jha, J)

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