

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34056 of 2020

Arising Out of PS. Case No.-181 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Sunil Rai S/o Late Pundeo Ray R/o Village- Jamunapur, P.S.- Kalyanpur, District- Motihari.
 2. TUNTUN KUMAR YADAV Son of Hiralal Yadav Resident of Banpurwa, Police Station- Dumariya Ghat, District- Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh No.5, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-12-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Excise Case No. 181 of 2020, disclosing offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The petitioners are in custody since 24.07.2020. It is the prosecution's case that on the basis of secret information one *Tata Safari vehicle* was intercepted by the Excise officials, leading to recovery of 164.160 liters of illicit Indian made foreign liquor. The petitioner No.1 was driving the vehicle, whereas petitioner No.2 was sitting in the vehicle, both of whom were apprehended on the spot.



Learned counsel appearing on behalf of the petitioners has argued that petitioner No.2 was crossing the road at the time when Excise officials were conducting raid and he was apprehended by them only because he had refused to be a witness of the seizure being made of the illicit liquor.

There is clear allegation in the prosecution report that there were three persons apprehended from the vehicle in question, which was found carrying huge quantity of illicit liquor.

In my view, it is not a fit case for grant of regular bail for the present.

This application is rejected.

The petitioners shall, however, be at liberty to renew their prayer for bail after six months, if there is no substantial progress in the trial.

(Chakradhari Sharan Singh, J)

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