

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2920 of 2020

Arising Out of PS. Case No.-1094 Year-2019 Thana- BIHTA District- Patna

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BABLU SHARMA Son of Sudama Sharma @ Bahiru Resident of Village -
Adlipur, P.S.- Neura, Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-08-2021 Heard Mr. Manoj Kumar Singh, learned
Advocate for the petitioner and Mr. Md. Nazir Ansari,
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Neura (Bihta) P.S. Case No. 1094 of 2019 dated 02.12.2019 instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

The accusation in the FIR is that one Sonu Kumar was arrested by the police and he was found in possession of 5.625 litres of liquor. He disclosed the name of Monu Kumar as one of his accomplices. So far as the petitioner is concerned, it has been alleged that he managed to effect the escape of Sonu Kumar from the custody of the police.



Learned counsel for the petitioner has submitted that nothing has been recovered from his possession and the accusation against him is based on information provided to the police party, who had definite axe to grind against him.

The petitioner does not have criminal antecedents. The petitioner also does not have any concern with Sonu Kumar or Monu Kumar.

Regard being had to the aforestated facts, it has been submitted that the offence under the Excise Act cannot be made out against the petitioner.

For the facts aforestated, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna in connection with Neura (Bihta) P.S. Case No. 1094 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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