

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27055 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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GIRDHARI KUMAR Son of Shivbalak Bhagat Resident of Village-
Aadharpur, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina
Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No.42 of 2021 registered for
the offences punishable under Sections 30(a) and 32(2) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
24.01.2021. The petitioner has got four criminal antecedents and
he is said to be on bail in all the cases.

The prosecution case in short is that the informant on
secret information conducted a raid in the village Shambhupatti.



At the time of raid one four wheeler and one motorcycle were seen on the main road of Shambhupatti village. It is alleged that on seeing the police party, the persons boarded on the car and motorcycle were trying to flee away but on chase five of them were arrested and two persons managed to escape. The arrested persons disclosed their names as Kumar Kunal @ Bunty, Pawan Kumar, Golu Kumar, Kundan Kumar and Girdhari Kumari (petitioner). On search from the car 270 bottles of illicit liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 24.01.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner has been arrested on the spot on chase while he was trying to flee away from the vehicle from which 270 bottles of illicit liquor have been recovered and the petitioner has got four criminal antecedents of similar nature,



this being the fifth case under the Bihar Prohibition and Excise Act, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be taken up as expeditiously as possible.
If the trial remains still unconcluded within a period of six months from the date of communication of this order, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

