

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36850 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- MAHUA District- Vaishali

SUNNY KUMAR Son of Late Ram Babu Singh Resident of Village-
Lagurao, P.S.- Mahua, Distt- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-06-2021

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Mahua PS Case No. 48/2020 registered under Section 30(a), 32(ii), 34(ii), 38 (ii) and 41(i) of the Bihar Prohibition & Excise Act.

The informant, a police officer, alleged that during the course of search he got secret information that Gautam Giri of village Lagurao had kept illegal liquor in his house and thereafter raid was conducted but one person managed to flee away from the house. On search 28 bottles, each containing 180 ml. liquor were recovered. Again the informant got information that Mukesh Giri of the same village had also kept illegal liquor in his house and on such raid was conducted. 122 cartoon weighing 1104 liters of Indian Made Foreign Liquor was recovered. Mukesh Giri is said to have disclosed that he along with Sunny Kumar, the petitioner, Pankaj Singh and Gautam Giri dealt in illegal liquor.



The learned counsel for the petitioner submits that petitioner is innocent and he has, in fact, committed no offence. Nothing has been recovered from the house of the petitioner. Mukesh Giri from whose house huge quantity of liquor was recovered disclosed the name of the petitioner as his partner in the business of liquor but the petitioner has got no criminal antecedent and there is no material to show that petitioner dealt in any illicit liquor.

Taking into consideration the facts that save and except the fact that name of the petitioner surfaced in the case in the so called disclosure of Mukesh Giri from whose house huge quantity of liquor was recovered, the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order shall be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua PS case No. 48/2020, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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