

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39632 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. JOGA KUNWAR @ MUNNA KUNWAR Son of Yogendra Kunwar Resident of Village- Dumariya Kunwar Tola, P.S.- Mohammadpur, District- Gopalganj.
2. BYAS KUNWAR Son of Late Harihar Kunwar Resident of Village- Dumariya Kunwar Tola, P.S.- Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh
For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-06-2021 Heard Mr. Rajesh Kumar Singh, learned Advocate for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Mohammadpur P.S. Case No. 136 of 2020 instituted for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

According to the prosecution version, 50 litres of liquor in all is said to have been recovered from behind a community hall from the bush. The petitioners and others were identified by the local Chowkidar as running away from



the place of raid.

Learned counsel for the petitioners has submitted that such identification cannot be the basis for prosecuting the petitioners in this case. The petitioners are not at all concerned with the liquor which is said to have been recovered from an open space. The petitioners cannot be saddled with the aforesaid recovery. They have clean antecedents.

Mr. Singh, learned counsel for the petitioners, therefore, submits that none of the offences under the Excise Act can at all be said to have been made out against the petitioners.

Considering the afore-stated facts, the petitioners, above named, are directed to be released on bail, in the event of their 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 furnishing bail bonds of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned 02nd Additional District & Sessions Judge, Gopalganj, in



connection with Mohammadpur P.S. Case No. 136 of 2020,
subject to the condition laid down under Section 438(2) of
the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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