

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5363 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

1. Gagan Kumar S/O -UPENDRA Yadav Resident of Village and P.S.- Kishanpur, Distt- Supaul
2. NITYANAND SHARMA SON OF UMESH SUTIHAR VILLAGE KISHANPUR, PS - KISHANPUR, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 30-06-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Industrial Area P.S. Case no.100 of 2020 registered under sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on a raid being conducted, it is stated that the accused persons who were near a truck started to flee away on seeing the police personnel. Seven accused persons including the two petitioners herein were caught and a total of 3519.36 litres of liquor was recovered from



the vehicles.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case. They have no concern with the seized liquor. No incriminating article has been recovered from their possession. They are in custody since 14.9.2020 and have no criminal antecedent under the Bihar Prohibition and Excise Act. It is further submitted that a supplementary affidavit has been filed on 26.6.2021 explaining the error committed in paragraph no.3 of the petition wherein one of the antecedents of the petitioner no.1 was not mentioned. However, the said case is not under the Bihar Prohibition and Excise Act.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner no. 1 on bail and the application is rejected.

Liberty is granted to the petitioner no.1 to renew his prayer for bail on completing one year in custody.

The petitioner no. 2 is directed to be enlarged on bail in connection with Industrial Area P.S. Case no.100 of 2020 on



furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Excise, Bhagalpur/In-charge Successor Court.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

