

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31092 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- ITARHI District- Buxar

SONU KUSHWAHA @ INDRAJEET KUMAR SON OF RANJIT
KUSHWAHA R/O VILLAGE- MAHADAH, P.S.- BUXAR (MUFFASIL),
DISTRICT- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 23-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Itarhi Police Station Case No. 169 of 2020, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of the secret information
that the petitioner, along with other co-accused persons, were
carrying illicit liquor in a tanker, proceeded towards the place of
occurrence and upon seeing the police party, the persons,
standing near the tanker succeeded in fleeing away, however the
police arrested the driver and one another co-accused person,



who disclosed the name of the petitioner as one of the persons who succeeded in fleeing away and also disclosed that the petitioner and other accused persons were indulged in the trade of illicit liquor and the police recovered a total quantity of 1266.48 litres of illicit liquor from the said tanker.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated this case on the basis of disclosure of his name by the arrested co-accused persons. He further submits that nothing has been recovered from the conscious possession and/or vehicle or premises belonging to the petitioner. He further submits that co-accused persons have been granted bail vide orders, passed in Criminal Misc. Nos. 29972, 28853, 23627 and 38406 of 2021. He further submits that the petitioner is in custody since 26.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that nothing has been recovered from the possession of the petitioner, he is neither the



driver nor the owner of the tanker, in question, he is in custody since 26.02.2021, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Buxar, in connection with Itarhi Police Station Case No. 169 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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