

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71630 of 2023

Arising Out of PS. Case No.-73 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

Monu Kumar Sah S/O Late Baleshwar Sah R/O Village- Kudra, Jehanabad,
P.S- Kudra, Distt.- Kaimur At Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Excise Case Reg. no.1216 of 2019 (arising out of Durgawati P.S. Case no.73 of 2019) registered under sections 30(a) and 56(b) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, on a search being conducted of the truck in question, it is stated that a total of 13, 632 bottles of liquor was recovered.

4. Learned counsel for the petitioner submits that no incriminating article was recovered from the petitioner's possession nor was he named in the F.I.R. In the F.I.R, it is stated that from the villagers, it transpired that the vehicle was



carrying the liquor for co-accused Chunmun Singh. Further referring to the order of the learned trial Court, learned counsel submits that the only material that has come against this petitioner in course of investigation is that the petitioner had talk with the said Chunmun Singh on mobile phone besides the confessional statement of the petitioner before police that he had come on the vehicle with the said Chunmun Singh and both of them had escaped. Chunmun Singh has been enlarged on bail vide order dated 8.4.2019 (Annexure-2). The petitioner is in custody since 27.8.2023.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired against the petitioner as is evident from the order of the learned trial Court rejecting the application for bail of the petitioner, grant of bail to co-accused Chunmun Singh, the petitioner being in custody since 27.8.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Excise Case Reg. no.1216 of 2019 (arising out of Durgawati P.S. Case no.73 of 2019) 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 Court of Special Judge Excise no. II,
Kaimur at Bhabua.

(Partha Sarthy, J)

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