

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32000 of 2018

Arising Out of PS. Case No.-122 Year-2017 Thana- KATRA District- Muzaffarpur

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Bittu Thakur @ Bittu Kumar, Son of Navin Thakur @ Navin Kumar Thakur,
Resident of Village- Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Smt. Veena Rani Prasad.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 23-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Katra P.S. Case No. 122 of 2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and section 30(a), 36, 38 of the Bihar Prohibition and Excise Act, 2016.

Informant who is the Sub-Inspector of police in his written report has stated that at about 2:30 A.M he received secret information that behind Dhanuar High School in government pond, foreign liquor has been concealed in huge quantity in bag(bora), net and sari. On receiving said information, the informant along with other police personnel came at village Dhanaur with two independent witnesses



namely Sunil Singh and Abhiram Singh and found that the petitioner was standing near his Apachee motorcycle bearing no. BR 07 5143 and behind him illicit liquor trader Sujit Kumar Mahto was present and behind him a Magic Pick up van without registration no. loaded with huge amount of liquor was present. It is further alleged that Sukhram Mahto who was imprisoned in Arms Act case earlier is main co-associate of petitioner. On search of the Magic Pick-up Van 549.795 ltrs. of illicit liquor was recovered.

It has been submitted on behalf of the petitioner that the name of the petitioner has transpired on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. Similarly situated co-accused person namely Sukhram Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2018. passed in Cr. Misc. No. 24263 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of learned **Special Judge, Excise, Muzaffarpur**, in connection with **Katra P.S. Case No. 122 of 2017**, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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