

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47279 of 2019

Arising Out of PS. Case No.-246 Year-2019 Thana- KHAGARIA District- Khagaria

1. Bikram Kumar Son of Saheb Mahto, Resident of Village - Uttari Bhadas, P.S.- Muffasil (Khagaria), Dist.- Khagaria.
2. Azad @ Azad Kumar Son of Bilo Mahto, Resident of Village - Uttari Bhadas, P.S.- Muffasil (Khagaria), Dist.- Khagaria.
3. Amit @ Amit Kumar Son of Bakil Mahto, Resident of Village - Uttari Bhadas, P.S.- Muffasil (Khagaria), Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-07-2019 Heard both sides.

Petitioners apprehend their arrest in Khagaria (Muffasil) P.S. Case No.246 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant got secret information that all the three petitioners had kept liquor in the house of Bikram Kumar (petitioner no.1) for illegal sale. On such, a raid was conducted and 20 bottles of Macdonald, 38 bottles each containing 180 ml of Royal Stag, 21 bottles of Imperial Blue and 24 bottles each containing 4.750 ml of Royal Stag whisky were recovered from the courtyard of Bikram Kumar (petitioner no.1). The villagers



disclosed that Azad @ Azad Kumar and Amit @ Amit Kumar are also involved in the trade of illicit liquor with Bikram Kumar.

Learned counsel for the petitioners submits that petitioner no.1 is not the owner of the house. The house is standing on the disputed plot and nobody is residing there. It is further submitted that the seizure list was not prepared in accordance with law. Even petitioner no.1, Bikram Kumar was not present. There is absolutely no material to show that petitioner no.2, Azad @ Azad Kumar and petitioner no.3, Amit @ Amit Kumar are involved in the trade of illicit liquor with Bikram Kumar (petitioner no.1).

It appears that the police got information about liquor kept in the house of Bikram Kumar and the house was searched and from the courtyard of the house of Bikram Kumar, 103 bottles of different brands of Indian made foreign liquor were recovered. It further appears that the names of petitioner nos.2 and 3 were disclosed by the villagers but there appears no material that they were also involved in the trade of illicit liquor with Bikram Kumar.

Having considered the facts aforesaid, petitioner no.2 (Azad @ Azad Kumar) and petitioner no.3 (Amit @ Amit



Kumar), in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd-cum-Special Judge (Excise), Khagaria in connection with Khagaria (Muffasil) P.S. Case No.246 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of Bikram Kumar (petitioner no.1) is concerned, the recovery of 103 bottles of Indian made foreign liquor of different brands were recovered from the courtyard of the house of Bikram Kumar (petitioner no.1).

Having considered the facts aforesaid, I am not inclined to enlarge Bikram Kumar (petitioner no.1) on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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