

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20051 of 2020**

Arising Out of PS. Case No.-507 Year-2016 Thana- DEHRI TOWN District- Rohtas

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BABLOO @ BABLOO SINGH @ BALJEET KUMAR Son of Prem Singh
@ Prem Shankar Rai Resident of Village - Bheria, P.S.- Dehri (Town),
District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mrs.(Dr.) Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 17-09-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Dehri (Town) P.S. Case No. 507 of 2016, disclosing the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30/38(1)(2)/41 of Bihar Prohibition and Excise Act, 2016.

Allegedly, from the petitioner's *godown*, the police recovered 750 litres of Indian made foreign liquor. It is further alleged that the petitioner had fled away from the place of occurrence. The seizure was made during course of raid conducted by the police party on the basis of a secret information.

Learned counsel for the petitioner has submitted that



he has no concern with the said *godown* which he has leased out to one LTC Commercial Company Private Ltd. on 09.04.2016 for a period of 11 months. It has further been stated in the application that the petitioner was not in possession of the *godown* from where the recovery was made. Learned counsel for the petitioner has relied on a supplementary affidavit filed on 21.07.2020 to the effect that the liquor has been recovered from the *godown* situated on the west of Sriram Petrol Pump, whereas *godown* of the petitioner is situated at a distance of five meters west of Manoura More. He contends that Mukhiya and Sarpanch of the Gram Panchayat concerned have also issued a certificate to this effect, which has been brought on record by way of Annexure-1 to the supplementary affidavit.

The petitioner has, apparently, attempted to mislead this Court for securing bail for the reason that he has stated in the main application that he did not have any concern with the said *godown* from which recovery of illicit liquor was made, which he had leased out to one LTC Commercial Company. In the supplementary affidavit, he has developed a new story that the *godown* does not belong to him and recovery has not been made from the *godown* belonging to him. The petitioner is, apparently, manufacturing documents and is attempting to



tamper with the evidence.

Considering the huge quantity of liquor said to have been recovered from the petitioner's *godown* and the petitioner's conduct as noted above, I do not consider it to be a fit case for grant of regular bail.

This application is accordingly rejected.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the



learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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