

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21489 of 2020

Arising Out of PS. Case No.-82 Year-2018 Thana- HATHIDAH District- Patna

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BHOLA KUMAR @ BHOLA MAHTO Son of Ram Padarath Mahto
Resident of Village - Penhas, P.S.- Nagar (Lohia Nagar), Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K.Lal
		Mr.Pritish Kumar Lal
For the Opposite Party/s :		Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-08-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Special Case No.10314 of 2018 arising out of Hathidah P.S. Case No.82 of 2018 registered under Section 30(a) of Bihar Excise and Prohibition Act.

The S.I. of Hathidah P.S. alleged that he got information of transportation of illicit liquor on a vehicle and on search, a pick up van bearing registration No.BR-09H-3441 was intercepted and huge quantity of Indian made foreign liquor was recovered. Mr. Vibhakar Rai who was apprehended with the liquor and the vehicle disclosed that he along with Kundan Kumar and Deepak Kumar were carrying the liquor for Bhola Kumar(the petitioner).

The learned counsel for the petitioner submits that



petitioner was not apprehended on the spot and there is nothing on record to show that at the instance of the petitioner, the consignment of liquor was being transported by Vibhakar Rai and others. The petitioner was firstly arrested in Barauni P.S. Case No.574 of 2018 and he was granted bail on 06.02.2019. Thereafter, the petitioner was remanded one by one in ten other cases but no liquor was recovered from the possession of the petitioner. The petitioner was remanded in this case on 24.10.2019 and since then he is in custody. Petitioner remained in jail for more than nine months.

Learned A.P.P. however opposed the prayer for bail.

It appears that Vibhakar Rai who was driving the vehicle was apprehended with the vehicle and on search, huge quantity of Indian made foreign liquor was recovered. Vibhakar Rai disclosed that he was transporting the liquor of the petitioner but there is no paper showing the consignment was transported at the instance of the petitioner. Petitioner has already remained in jail for more than nine months.

Taking into consideration the facts aforesaid, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge,



Excise Act, Patna in connection with Special Case No.10314 of
2018 arising out of Hathidah P.S. Case No.82 of 2018.

(Prabhat Kumar Jha, J)

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