

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26364 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- BACHHWARA District- Begusarai

BITTU KUMAR @ KESHRINANDAN KUMAR Son of Hareram
Chaudhary Resident of Village - Dularpur, P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Bachhwara Police Station Case No. 14 of 2020,
disclosing offences under Sections 414/120-B of the Indian
Penal Code and Sections 30 (a)/32(2)/41(2) of the Bihar
Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the
Act’).

The prosecution case, as per the First Information
Report, is that the police, on receiving information that a large
consignment of liquor is being unloaded near Shrawantol
Diyara, proceeded towards the place of occurrence and
recovered a total quantity of 795.24 litres of illicit liquor from



one Mahendra Maximo pick-up van and 691.2 litres of illicit liquor from one blue-coloured Maruti car and arrested four persons, namely, Gaurav Kumar, Chhotu Kumar, Randhir Kumar and Avinash Kumar from the spot. It has further been alleged that the arrested co-accused persons have disclosed the name of the petitioner, along with other co-accused, Bittu Choudhary, that the consignment of liquor belongs to them.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of the statement made by the arrested co-accused persons. He further submits that the petitioner is not the owner of the vehicles, from where liquor has been recovered. He further submits that the petitioner has got no criminal antecedent and no incriminating material has been recovered from the conscious possession or the vehicle belonging to the petitioner and from perusal of the First Information Report, no *prima facie* case is made out against the petitioner under the provisions of the Act. He further submits that similarly situated co-accused, Bittu Choudhary, has been granted anticipatory bail by this Court, vide order passed in Criminal Misc. No. 25523 of 2020

After having heard learned Counsel for the parties



concerned and taking into consideration the fact that no incriminating material has been recovered either from the possession of the petitioner or the vehicles belonging to him and similarly situated co-accused person has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Begusarai, in connection with Bacchawara Police Station Case No. 14 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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