

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81176 of 2019**

Arising Out of PS. Case No.-228 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

RITESH KUMAR SINGH Son of Vinod Kumar Singh Resident of Village -  
Vikash Nagar, P.S.- Digha, District - Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

**Appearance :**

For the Petitioner : Mr. Ramakant Sharma, Senior Advocate.  
For the State : Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

3      10-06-2020                      Heard Mr. Ramakant Sharma, learned senior counsel for  
the petitioner, and Mr. A.M.P. Mehta, the learned A.P.P. for the State,  
through Video Conferencing.

The petitioner apprehends his arrest in connection with  
Kuchaikot P.S. Case No.228 of 2019 registered under Sections 406,  
409, 420 and 120B of the Indian Penal Code besides Sections 30(a),  
41(1) and 48 of the Bihar Prohibition and Excise Act, 2016, pending  
in the court of the Additional Sessions Judge-II-cum-Special Judge  
(Excise), Gopalganj.

The accusation is that after the viral of the Video on  
02/03.08.2019, in respect of loading of the liquor on a pickup van,  
after removing the same from a container, parked at the Kuchaikot  
Police Station, by 7-8 persons and taking the pickup van outside the  
premises of the Kuchaikot Police Station, on the direction of the



Superintendent of Police, Gopalganj, the informant Naresh Paswan, being the S.D.P.O., Sadar, Gopalganj, who was engaged in maintaining the law and order in the fair of Singhasini, proceeded for Kuchaikot Police Station for inquiry at about 10.00 A.M. on 06.08.2019. In course of inquiry, the Officer Incharge of Kuchaikot Police Station Ritesh Kumar Singh (petitioner) was searched and he was found in the premises of the Kuchaikot Police Station. Thereafter, when the informant made query to him about the viral of the Video, he did not give any satisfactory reply. Thereafter, when the informant asked Ritesh Kumar Singh, the Officer Incharge of Kuchaikot Police Station (petitioner), why the seized liquor was not destroyed and asked him to supply the list of the cases, in which the liquor was seized, then he informed that due to non-availability of the space in the premises of the Police Station, the bottles of seized liquor are kept in the standing container. On making query to him about the Incharge of Malkhana, he disclosed that A.S.I. Umashankar Singh Yadav has been made Incharge of the Malkhana but complete charge of Malkhana has not been given to him and up till now, he is the Incharge of the Malkhana. Thereafter, he was asked to bring the key of the Malkhana to compare the seized liquor, kept in the Malkhana, then he moved from there but did not return till 10 minutes. Thereafter, on search, he was found absent in the premises of the Police Station by locking his residence. Thereafter, Sub Divisional Officer, Sadar, Gopalganj, was requested to depute the



Executive Magistrate, then Anant Kumar, Senior Deputy Collector (Probationer), Gopalganj, came there and in his presence, two containers bearing Registration Nos.H.R. 55 Q-2150 and N.L.08D-6681 were opened and several bottles of liquor, respectively in the volume of 3530.340 liters and 4891.260 liters were found. Due to darkness and rain, further inquiry could not be made. Again, on 07.08.2019, in presence of the two Executive Magistrates, namely, Jitendra Chaudhary and Anand Kaushal, other containers and two old rooms were searched and the recovered liquor was compared according to seizure list. In course of inquiry, it is detected that the bottles of the liquor, seized in 41 cases, have not been destroyed and, on verification, 258.505 liters liquor was found short and 50 liters spirit was found in excess. On query from the staffs and the officials of the Kuchaikot Police Station, it was detected that the key of the containers and the rooms, in which the bottles of the seized liquor, were being kept, was kept by the Officer Incharge of Kuchaikot Police Station, namely, Ritesh Kumar Singh (petitioner). On query, Chowkidar Munna Kumar Rai did not give any satisfactory reply but, later on, he disclosed that he was engaged by the Officer Incharge of Kuchaikot Police Station Ritesh Kumar Singh (petitioner) for loading the liquor on the pickup van from the containers of the premises of the Kuchakot Police Station with the help of labourers, which was carried by Bablu Singh and Sonu Singh, who used to do the business of liquor. He also disclosed that 100 cartoons of liquor were



removed from the containers and loaded on the pickup van.

Learned senior counsel appearing on behalf of the petitioner submits that, in fact, on the date of the occurrence, while the petitioner was posted as Officer Incharge of the Kuchaikot Police Station, Gopalganj, but at that time, he was on patrolling duty and behind his back, the process of search and seizure of the liquor, kept in containers and Malkhana, was completed and due to dirty politics in the police department, the petitioner has been made scapegoat in the present case. Further submission is that while in the seizure list, it is indicated that the bottles of liquor, seized in the cases of 2016, were not destroyed but, in fact, the petitioner was posted as Officer Incharge of Kuchaikot Police Station, Gopalganj, in the year 2017.

On going through the F.I.R. and the case diary, it appears that Anand Kaushal, B.D.O., in paragraph-11 of the case diary, Vipin Lal Ram, Sub Inspector posted at Police Central, Gopalganj, in paragraph-13 of the case diary, Anant Kumar, Probationer Senior Deputy Collector, Gopalganj, in paragraph-30 of the case diary and Amit Kumar Yadav, in his statement as recorded under Section 164 of the Code of Criminal Procedure, as detailed in paragraph-122 of the case diary, have supported the prosecution case. In course of argument, no satisfactory reply has been given by the learned senior counsel appearing for the petitioner about the storage of the bottles of the liquor, seized in the cases of 2016, till the date of the institution of the present case.



Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to allow the privilege of pre-arrest bail to the petitioner. Accordingly, the prayer of the petitioner for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

P.S./-

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