

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28540 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- PHULWARIYA District- Gopalganj

RAVIKESH KUMAR @ RABIKESH KUMAR S/O DEVENDRA PRASAD
R/O VILLAGE-AMANAMA, P.S.-ISHLAMPUR, DISTRICT-NALANDA
(BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-12-2021 Heard the parties through video conferencing.

Heard Shri Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and Shri Umesh Lal Verma, learned
APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 15.12.2020 seeks
regular bail in connection with Phulwariya P.S. Case No. 307 of
2020 registered for offences punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 423.36
litres of different brands of liquor was recovered from Tata
Xenon pick-up van bearing Registration No. BR-01 GD 6829.
The petitioner was apprehended on the spot along with seized



items.

Learned counsel appearing on behalf of the petitioner submits that no offence as alleged in the F.I.R. has been committed by the petitioner. He is innocent and he was asked to deliver the articles booked to the required destination without having knowledge of the items boarded on the said pick-up van. He further submits that it is the owner of the vehicle who is responsible for said illegal trade of liquor and petitioner has no role to play so far as booking of the illicit liquor is concerned. He further submits that organized trade of liquor is prevalent in the State of Bihar and persons innocent like petitioner are involved in carrying the goods and delivering it without giving knowledge about the nature of the goods which they are required to carry. The illegal trade has taken the form of syndicate and is governed by influential citizen of the State who in the recent past has built up asset from such illegal trade and income having not been disclosed. The criminality of the sequence has taken its another form in manufacturing the illicit liquor in the State of Bihar even though law of prohibition and the State having been declared to be dry. The consumption of such illicit liquor which are manufactured in the State of Bihar has taken life of innocent persons and public at large are



affected by it. The petitioner being innocent deserves to be released on bail.

Learned A.P.P., however, opposes the prayer for grant of bail to the petitioner.

Considering the above submission of the petitioner, the Superintendent of Police, Vaishali is directed to furnish a report regarding the owner of the said vehicle bearing Registration No. BR01 GD 6829 from the office of the District Transport Officer, Vaishali and thereafter, make a thorough enquiry as to from where the above consignment of illicit liquor was brought and lodge case against every person who were involved in manufacture and smuggling from the neighbouring states or imported from Nepal. Such exercise should be done within a period of 15 days and thereafter, report to the Court below having jurisdiction. The S.P. is also directed to ensure presence of any of the adult member of the family of the owner of the said vehicle in question preferably the wife of the owner of the said vehicle to appear before the Court of learned Additional District and Session Judge-II, Gopalganj to ensure to execute bond on behalf of the petitioner above named of Rs. 2,50,000/-. Learned Additional District and Sessions Judge-II, Gopalganj, is directed to release the petitioner above named in



connection with Phulwariya P.S. Case No. 307 of 2020 on execution of the bond in manner prescribed or on personal bond of the petitioner of Rs. 2,50,000/- and two sureties of the equal amount subject to the following conditions:

(i) The petitioner will not be entitled to be released if he is made accused in any other criminal case lodged before the present F.I.R in which he is seeking bail.

(ii) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(iii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iv) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(v) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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