

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30479 of 2021**

Arising Out of PS. Case No.-28 Year-2019 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

GAUTAM KUMAR @ GAUTAM SINGH SON OF SRI RAM BAHADUR  
SINGH @ RAM UDAY SINGH R/O SIHMA, UTTARWARI TOLA, P.S.-  
MATIHANI, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ritwik Thakur

For the Opposite Party/s : Mr. Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      08-12-2021                      Heard Mr. Ritwik Thakur, learned counsel for the  
petitioner and Mr. Zainul Abedin, learned counsel for the State .

Petitioner seeks regular bail in connection with  
Mufassil P.S. Case No. 28 of 2019 registered for the offence  
under Section 30 (a) of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

The allegation as per the First Information Report is  
that Police on the basis of secret information arrived near the  
primary school and upon seeing the police party 3-4 persons  
started fleeing away. The Police found that one truck was  
standing near the primary school and foreign liquor was being  
unloaded from the said truck and was being kept in the verandah  
of the primary school. Upon search Police recovered 305  
cartons of foreign liquor from the *verandah* of the primary  
school and 109 cartons of illicit liquor was recovered from the  
said truck. Total quantity of illicit liquor recovered by the Police



is 3670.920 liters. The name of the petitioner has transpired on the basis of information given to the Police by the local *chowkidar* as the person who fled away along with others from the place of occurrence.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of disclosure of his name by the local *chowkidar*. He next submits that illicit liquor has not been recovered from the personal possession and / or premises or vehicle belonging to the petitioner. He next submits that truck from where illicit liquor was recovered does not belong to the petitioner. He further submits that illicit liquor has been recovered from the *verandah* of the primary school which is a an open space accessible to all and sundry. He next submits that similarly situated accused persons who fled from the place of occurrence namely, Kanhaiya Kumar and Raju Kumar have been granted bail by different Co-ordinate Benches of this court in Cr. Misc. No. 76205 of 2019 and Cr. Misc. No. 19191 of 2020, the petitioner is in custody since 18-02-2021 and charge sheet has already been submitted.

Regard being had to the submissions made by the parties and taking into consideration the materials available on



record, the fact that illicit liquor has not been recovered from the conscious possession of the petitioner, he is in custody since 18/02/2021, charge sheet has already been submitted and similarly situated accused persons have been granted bail by different Co-ordinate Benches of this court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise), Begusarai in connection with Mufassil P.S. Case No. 28 of 2019 on the following condition:-

*(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.*

praful/-

**(Anil Kumar Sinha, J)**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

