

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34847 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- BIHTA District- Patna

BITTU YADAV @ BITTU KUMAR @ VITTU KUMAR, Son of Vijay
Yadav @ Vijay Rai, Resident of Village - Mauhadi, P.S. Bihta, District -
Patna, Bihar ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Prashant Kumar, Adv.
For the Opposite Party : Mr. Nand Kishore Prasad, APP

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

ORAL ORDER

2 05-04-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 14.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bihta P.S. Case No. 41 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accusation is that in respect of Bihta P.S. Case No. 38 of 2020 and 39 2020 query was being made at Police Station from accused Ramesh Kumar and Pintu Kumar in that course they disclosed about concealing the bottles of Indian made foreign liquor near the dam road in village Mauhadi, thereafter, informant and other police personnel reached there and recovered 3308 bottles in volume of 843.54 liters Indian made foreign liquor. On query, both, Ramesh Kumar and Pintu Kumar disclosed the name of four persons,



including the petitioner, who had managed to carrying the illicit liquor on the occasion of new year and Holi festival.

Submission is that the petitioner was not apprehended on spot rather the name of the petitioner and three others have been disclosed by co-accused, Ramesh Kumar and Pintu Kumar. Further, submission is that similarly situated co-accused, Manish Kumar, whose name has also come in the confessional statement of the co-accused, has already been allowed the privilege of pre-arrest bail vide Cr. Misc. No. 32121 of 2020 on 24.02.2021. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bihta P.S. Case No. 41 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

