

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4120 of 2021

Arising Out of PS. Case No.-420 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ANIL KUMAR Son of Ram Ratan Mahto Resident of Village - Korbaddha
Ward No. 9, P.S. - Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-03-2021 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Informant in his written complaint has alleged that on
29.09.2020 at about 10:00 pm when he along with police party
was on patrolling duty he received secret information that
consignment of illicit liquor has been brought by Sonu Mahto
and on receiving said information when they reached near the
house of Sonu Mahto, they saw that illicit liquor is being carried
out from one Bolero and after seeing the police party some
persons tried to escape but after chase two persons were
apprehended who disclosed their name as Dharmendra Kumar



and Anil Kumar (petitioner) and after search 250.185 litre of illicit liquor was recovered from the said Bolero kept in cartoons and accordingly seizure list was prepared.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner was apprehended when he was returning after attending the call of nature as the petitioner house is adjacent to the house of co-accused Sonu Kumar. Petitioner has no concern with the said Bolero. Nothing has been recovered from the possession of the petitioner. Similarly, situated co-accused person namely Dharmendra Kumar has been granted bail by a co-ordinate bench of this Court vide order dated 23.02.2021 passed in Criminal Miscellaneous No. 584 of 2021. Petitioner has got no criminal antecedent and is in custody since 01.10.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Samastipur Muffasil P.S.**

Case No. 420 of 2020, with following conditions:-

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



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers 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.

(S. Kumar, J)

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