

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6280 of 2021

Arising Out of PS. Case No.-389 Year-2020 Thana- SUGAULI District- East Champaran

AKIB RAJA @ GOLU Son of Shamshad Resident of Village- Bara Budha,
P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Sugauli Police Station Case No. 389 of 2020, registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police recovered 09 litres of illicit liquor from
a truck, which was lying turtle near a canal and the police party,
after coming to know that some liquor has also been kept in the
poultry farm, proceeded towards the poultry farm and recovered
3474 litres of illicit liquor from the same and one Vinod Bhagat,
who claims to be the owner of the poultry farm, disclosed that



the petitioner, along with seven other accused persons are involved in the business of illicit liquor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement of co-accused Vinod Bhagat, who claims to be the owner of the poultry farm. He next submits that no illicit liquor has been recovered from the conscious possession or the vehicle/premises belonging to the petitioner. He next submits that similarly situated co-accused persons, namely, Binda Lal (by order, dated 16.04.2021, passed in Criminal Misc. No. 40211 of 2020) and Nitesh Kumar (by order, dated 17.04.2021, passed in Criminal Misc. No. 5475 of 2021) have been granted bail by co-ordinate Benches of this Court. He next submits that the petitioner is in custody since 04.10.2020 and charge sheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by this Court, no illicit liquor has been recovered from the conscious possession or the vehicle/premises belong to the



petitioner, the petitioner is in custody since 04.10.2020, and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, East Champaran, at Motihari, in connection with Sugauli Police Station Case No. 389 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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