

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7587 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- BHAGWANPUR District- Vaishali

AKHILESH KUMAR, Son of Vishwanath Singh Resident of Village -
Husena Khurd , P.S.- Goraul, Distt.- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 258 of 2021, for the offence
punishable under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The allegation made in the F.I.R. is that two litres of
country made liquor was recovered from the possession of the
petitioner and altogether 67 litres of country made liquor was
recovered from the place of occurrence.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the petitioner is in custody since 07.11.2021 and has no criminal antecedent nor he is related in any manner in the illicit trade of liquor, at best, it can be considered that petitioner was present there to consume liquor and in that respect breath analyzer test has been conducted by the doctor.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that altogether 67 litres of country made liquor was recovered from the place of occurrence and it is now seen that consumption of such country made liquor has led to death of innocent people and such tragedy of hooch death is daily reported in the newspapers. The very mechanism of the State has failed to stop illicit sell of liquor or its smuggling in the State of Bihar and the petitioner admittedly was found along with two litres of liquor does not deserve to be released on bail.

Considering the nature of allegation made in the F.I.R. in which it is alleged that two litres of liquor has been recovered from the possession of the petitioner, the petitioner has clean antecedent and he is in custody since 07.11.2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty thousand) with two sureties



of the like amount each to the satisfaction of the learned
Exclusive Special Excise Court No.1-cum-Addl. Sessions
Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S.
Case No. 258 of 2021, subject to the 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.

(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.

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

(Purnendu Singh, J)

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