

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27036 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- PANJWARA District- Banka

RAGHU PODDAR Son of Puran Poddar Resident of Village - Amarpur, P.S.-
Amarpur, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

6 03-02-2022 Heard the parties through video conferencing.

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, who is in custody since 09.02.2021,
seeks regular bail in connection with Panjwara P.S. Case No.
109 of 2020, corresponding to Special Excise Case No. 738 of
2020, for the offence punishable under Section 30(a) and 32 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, altogether 335 bottles
of Indian Made Foreign Liquor total 125.625 litres were
recovered from the tempo running without number plate. In the
course of investigation it surfaced that the alleged tempo is



registered in the name of Guriya Devi, wife of Anil Singh, which was driven by one Rakesh Kumar Gupta, who had accompanied one co-accused Vishnu Paswan, both the accused have revealed that the present petitioner had directed them to deliver the seized liquor at the required place and destination. Accordingly, the seizure list was prepared.

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 nothing was recovered from the conscious possession of the petitioner and he has been roped in the present case on the basis of confessional statement of Rakesh Kumar Gupta and Vishnu Paswan, who were apprehended at the time of seizure of the alleged vehicle. The alleged vehicle does not belong to the petitioner. The petitioner is in custody since 09.02.2021. He further submits that in paragraph No.3 of the bail application, he has given details of other cases pending against the petitioner in which he has been released on bail are as follows:

(1) Amarpur P.S. Case No. 508 of 2016, (2) Amarpur P.S. Case No. 403 of 2017, (3) Amarpur P.S. Case No. 165 of 202 and (4) Amarpur P.S. Case No. 75 of 2017

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner. He further submits that sufficient material has come in the case diary against the petitioner and the involvement of the petitioner in illicit trade of liquor cannot be ruled out.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to obtain report from the Incharge Officer, Commercial Taxes, Banka having jurisdiction as to whether the present petitioner is registered dealer under the provisions of GST Act, 2017 relating to certain taxable goods under the GST Act and is not involved in carrying any trade in clandestine manner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Banka in connection with Panjwara P.S. Case No. 109 of 2020, corresponding to Special Excise Case No. 738 of 2020, subject to the condition that the petitioner will make his attendance before the S.H.O. of the concerned Police Station on every Tuesday of the week at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the concerned Superintendent of Police till the conclusion of the trial, if there is even a single day default, the bail bonds of



the petitioner shall, automatically, be cancelled as well as 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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