

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.28053 of 2022**

Arising Out of PS. Case No.-287 Year-2020 Thana- KANTI District- Muzaffarpur

Jagdish Singh @ Jagdish Kumar @ Jagdish Yadav, Son of Munshi Singh  
Resident of Village - Khar Khada, Ward No.- 6, House No.- 346, P.S.-  
Rewari, Dist.- Rewari, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Nitu Kumari, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY  
ORAL ORDER**

3      16-09-2022                      Heard Mrs. Nitu Kumari learned counsel for the  
petitioner and the learned APP for the State through virtual  
mode in view of COVID-19.

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

The case is registered under Section 30(a) of the Bihar  
Prohibition of Excise Act in connection with Kanti (Panapur  
O.P.) P.S. Case No.287 of 2020.

The allegation in the FIR is that the police upon secret  
information that accused Kira Ray and his son Brinda Ray are  
indulged in sell-purchase of illicit liquor accordingly along with  
police force reached the place where one Container Vehicle and  
a Tata 407 were parked and it is alleged that from the said  
container, 6012 liters of foreign liquor and from Tata 407, 3420  
liters of foreign liquor totalling 9432 liquor were recovered.



Accordingly, the same were seized, seizure list prepared and and FIR lodged.

Learned counsel for the petitioner submits that irrespective of the outcome of the present bail application, wants to pay Rs.50,000/- to the Bihar State Legal Services Authority, Patna through Demand Draft issued by the local Branch of the State Bank of India.

Learned counsel for the petitioner further submits that he is the truck owner residing in Haryana and had no knowledge about the transportation of foreign liquor by the driver/cleaner and as such he has come in the judicial custody since 24.12.2021 (as stated in para-20 of the bail application) despite the fact that he has no criminal antecedent. It is further submission that the main co-accused namely Kira Ray who is alleged to have been carrying the business has since been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.17979/2021.

Mrs. Asha Devi, learned APP on the other hand submits that he does not deserve bail in view of the fact that there is recovery of 6012 liters of foreign liquor.

Considering the aforesaid fact that the petitioner is the truck owner, has no criminal antecedent, charge sheet stands



submitted, is in custody since 24.12.2021 and one of the main accused namely Kira Ray against whom the allegation of carrying the business of illegal liquor has been attributed, has been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each in connection with Kanti (Panapur O.P.) P.S. Case No.287 of 2020 to the satisfaction of learned Special Judge, Excise Court No.II, Muzaffarpur, subject to following conditions:

(i) subject to payment of Rs.50,000/- through Demand Draft issued by the State Bank of India, local Branch addressed to Bihar State Legal Services Authority , Patna;

(ii) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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