

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39107 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

MITHUN KUMAR ANSH S/O SURESH PRASAD SAH R/o village-
Bhutaha, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 25-01-2022

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 23.05.2021,
seeks regular bail in connection with Excise Case No. 147 of
2021, for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether
198.720 litres of illicit Indian Made Foreign Liquor was
recovered from the Scorpio vehicle bearing registration No.
BR-07PA-9048 on which petitioner was found one of the co-
passengers. The vehicle was intercepted while it was coming



from U.P side near Sasa Musa N.H. 28 by the excise Police.

A report was called for from the Superintendent of Police, Gopalganj, who has informed to this Court that the owner of the said vehicle is one Raj Kishore Raut, son of Radha Krishna Raut, village-Bagha, P.O. Jarbara, P.S. Kamtaul, District-Darbhanga. However, from the report contained in letter No. 89, dated 19.01.2022, it has not been informed to this Court as to what action has been taken against the said owner of the vehicle from which huge quantity of liquor was recovered.

Learned counsel appearing on behalf of petitioner submits that petitioner is not the owner of the vehicle, rather, he was one of the co-passengers and he has no concern with the owner of the vehicle. The other co-accused, who is the driver of the vehicle, has already been enlarged on bail vide order dated 05.01.2022 passed in Criminal Miscellaneous No. 39665 of 2021. He further submits that from the cause title of the bail application, it appears that petitioner is aged about 20 years and he belongs to village- Bhutaha, P.S. Laukahi, District-Madhubani. Whereas, the owner of the vehicle is resident of neighbouring district Darbhanga of village-Bhutaha of which petitioner belongs is falls in district – Madhubani.



Learned A.P.P. for the State has opposed the prayer for grant of bail and submits that huge quantity of illicit liquor recovered. He further submits that trade of illicit liquor is rampant in the State of Bihar and the petitioner is member of such organized trade and as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case. The S.P. Gopalganj has reported that owner of the vehicle is one Raj Kishore Raut and he has not been made accused in the present case and as per F.I.R. The petitioner has made a specific plea that he was a co-passenger and is not connected with the trade of illicit liquor nor with the owner of the said vehicles the Court below after verifying the antecedent of the petitioner, 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 Addl. District & Sessions Judge-II-cum-Special Judge (Excise), Gopalganj in connection with Excise Case No. 147 of 2021, subject to the condition that one of the bailor will be Raj Kishor Raut, if the said Raj Kishore Raut is also found to be engaged in the trade of illicit liquor then in alternative, the petitioner may furnish any solvent



bailor on such terms and conditions as fixed by the Court below 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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