

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43845 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- NAUGACHIA District- Bhagalpur

BIR BAHADUR KUMAR S/o Anil Kumar R/o village- Dhruvganj, P.S.-
Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Naugachia Police Station Case No. 159 of 2020, registered for the offences punishable under Sections 30 (a)/38 (1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police intercepted one pick-up van and recovered 350.64 litres of illicit liquor, 129 litres of beer and 900 water bottles from the said pick-up van and arrested one person, who disclosed the name of the petitioner by saying that he was going to deliver the consignment of liquor to the petitioner.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case on the basis of the disclosure of his name by the co-accused, who was arrested at the spot by the police. He further submits that no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner and the driver, who was arrested by the police along with the consignment of illicit liquor, has been granted bail by co-ordinate bench of this Court, in Criminal Misc. No. 14303 of 2021. He further submits that the petitioner is in custody since 13.06.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that charge sheet has already been submitted, no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner and the petitioner is in custody since 13.06.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with



two sureties of the like amount each to the satisfaction of
learned 2nd Additional Sessions Judge -cum- Special Judge,
Excise, Bhagalpur, in connection with Naugachia Police Station
Case No. 159 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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