

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48773 of 2021**

Arising Out of PS. Case No.-95 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

Pintu Kumar, Son of Sri Ram Lochan Prasad, Resident of Village- Sodhana,  
P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

Mr. Akash Chaturvedi, AC to SC-11

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

7      04-08-2022                      Heard Mr. Ravi Ranjan, learned counsel for the  
petitioner, Mr. Akash Chaturvedi, AC to SC-11 and Mr. Arun  
Kumar, learned APP for the State.

The petitioner seeks regular bail in connection with  
Siwaipatti P.S. Case No. 95 of 2020 registered for the offences  
punishable under Sections 272, 273, 420/34, 120B of the Indian  
Penal Code and Section 30(a) of the Bihar Prohibition and  
Excise Act.

As per prosecution case, it is alleged that the police on  
a confidential information that some persons including the  
petitioner have stored illicit liquor in the tent house of Vikash  
Kumar and they are trying to remove the said liquor in the area  
and as such the police party raided the tent house and on search



being made total 1216.080 litres of foreign liquor was recovered. It is further alleged that on noticing the police party 8-9 persons succeeded in fleeing away, however, one person apprehended, who disclosed his name as Nand Lal Prasad and he disclosed the name of his other associates including the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession of this petitioner. It is next submitted that save and except the disclosure made by the apprehended person, there is no other material, which suggests the complicity of the petitioner. It is further submitted that only because of his past criminal antecedent, his name has been implicated by the police, though the alleged recovery of illicit wine has been made from a tent house, which belongs to co-accused Vikash Kumar and the petitioner has neither any concern with the tent house nor with regard to the alleged wine. It is also submitted that earlier vide order dated 25.03.2022, considering the nature of allegation and the materials available on record, provisional bail was granted to the petitioner till disposal of the case.

Pursuant to the order dated 25.03.2022, reports have



also been submitted by the different authorities including the Superintendent (Excise), Muzaffarpur, Joint Commissioner of State Tax, West Circle, Muzaffarpur and the District Transport Officer, Muzaffarpur.

On submission of the report, the matter was looked into by the Commissioner, Prohibition and Excise, Bihar and Principal Secretary, Transport Department, who have also filed their action taken report suggesting the complicity of the petitioner in the present crime.

Perused the reports filed by the different authorities.

In view of the aforesaid facts and circumstances and the materials on record, the provisional bail granted to the petitioner vide order dated 25.03.2022 is hereby confirmed on the terms and conditions mentioned therein as well as on the further conditions:

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the present bail application stands disposed of.

**(Harish Kumar, J)**

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