

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55717 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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BITTU KUMAR @ ANIL KUMAR @ ANIL KUMAR SINHA SON OF
SHASHI BHUSHAN DAS Residento of Villege - Nargada, P.s.- Shahpur,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 18-05-2022 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 seeks regular bail in connection with
Special Case No. 7598 of 2020, arising out of P.R. Shahpur P.S.
Case No. 204 of 2020, for the offence punishable under Sections
30(a), 32(i), 32(3), 41(i) and 41(2) of the Bihar Madhya
Nishedh Excise and Amendment Act, 2018.

The allegation is recovery of 2009.88 litres of foreign
liquor from the old house of Bittu Kumar (Petitioner).

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. Nothing has been recovered from



conscious possession of the petitioner. He further submits that the alleged recovery was not made from the house of the petitioner, rather, from the very perusal of the F.I.R. it appears that the petitioner fled away after seen the raiding team. He further submits that petitioner has clean antecedent and he is in custody 15.07.2021.

Sri Vikash Kumar, SC-11 submits that in the present case huge quantity of foreign liquor has been recovered from the house of the petitioner and a report to that effect is required to be submitted by the Excise Superintendent, Patna.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the allegation made in the F.I.R. it is not clear from the allegation that as to whether the house from which huge quantity of liquor has been recovered is owned by the present petitioner, the petitioner has denied that the recovery has not been made from his house rather the owner of the house fled away at the time of alleged raid. 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 Special Judge (Excise), Patna in connection with Special Case No. 7598 of 2020, arising out of P.R. Shahpur P.S. Case No. 204 of 2020, 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.

(5) The release of the petitioner is subject to the condition that he will file affidavit before the Court below giving details regarding his residential address and if the court below finds that the same is not place of seizure subject to the verification of the residential house of the



**petitioner and if the residential address given by the
petitioner is found to be incorrect, this order will
automatically loose its force.**

(Purnendu Singh, J)

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