

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57627 of 2021

Arising Out of PS. Case No.-523 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

1. CHHOTU KUMAR Son of Uma Shankar Kunwar Resident of village - Saura, P.S.- Bajpatti, Distt.- Sitamarhi
2. SONU KUMAR Son of Ganaur Sahni Resident of village - Vijay Chhapra, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-05-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek regular bail in connection with Ahiyapur P.S. Case No. 523 of 2021, for the offence punishable under Section 272 and 273/34 of the Indian Penal Code and Section 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that petitioner no. 1 Chhotu Kumar is the driver of the vehicle whereas the petitioner no. 2 Sonu Kumar is the resident of the village from where the vehicle loaded with 181.050 litres of illicit foreign



liquor were recovered. The petitioners were apprehended on the spot and one person managed to flee away.

Learned counsel for the petitioners submits that the illicit liquor was to be delivered by the owner of the vehicle, namely, Rajeev Kumar, who managed to flee away from the spot after seeing the police party. The petitioners have no concern with the aforesaid vehicle or the illicit liquor. The petitioners have filed supplementary affidavit, specifically stating therein that Rajeev Kumar was the owner of the seized vehicle and the vehicle was driving by him also. The petitioners have no connection with the trade of illicit liquor. It has further been submitted that petitioners have nothing to do with the illicit liquor. The petitioner no. 1 was simply accompanying the co-accused Rajeev Kumar whereas the petitioner no. 2 was found only standing near the place of seizure and without any rhyme and reasons, they have been made accused in the present case. The petitioners are in custody since 08.08.2021. The petitioners have clean antecedents.

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 fact that the person who was carrying the illicit liquor in car owned by him had managed to flee away from the place of occurrence; petitioners have clean antecedent; they are nowhere connected with the illicit trade of liquor in the State of Bihar; and they have filed a supplementary affidavit that they will cooperate with the prosecution, this Court is of the view that the petitioners have made out a case for grant of bail.

The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 523 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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