

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58206 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- NAUTAN District- West Champaran

BHASKAR KUMAR Son of Anil Prasad Resident of Village - Gahiri, Gandhi
Chouk, P.S.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 21.06.2021, seeks
regular bail in connection with Nautan P.S. Case No. 222 of
2021 registered for offences punishable under Section 30, 30(a)
of the Bihar Prohibition and Excise Act, 2016 and Section 413
and 414 of the Indian Penal Code.

Allegation is that altogether 240 litres of Kingfisher
wine was recovered from the dickey of a car bearing
Registration No. DL 3CAJ-9298. Petitioner was apprehended on
the spot and seizure list was prepared.

Learned counsel appearing on behalf of the petitioner



submits that vehicle from which alleged recovery has been made is not owned by the petitioner nor it was driven by the petitioner. Two persons were apprehended who were found fleeing away from the place of occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 21.06.2021.

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 facts and circumstances of the case, the Court below is directed to obtain antecedent report of the petitioner as to whether he has been made accused in any of the case other than what has been stated in paragraph no. 3 of the bail application and a report from Superintendent, Excise, Bettiah, West Champaran as well as District Transport Officer, Bettiah, West Champaran be also obtained with respect to the alleged seized liquor and the vehicle bearing Registration No. DL 3CAJ-9298 and if it is found that the petitioner is neither the owner of the said vehicle nor the said vehicle is a stolen one,



the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Bettiah West Champaran in connection with Nautan P.S. Case No. 222 of 2021 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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