

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58097 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- SONBERSA District- Sitamarhi

BABLU KUMAR Son of Sri Shankar Mahto Resident of Village - Fulkaha,
P.S.- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, 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 30.07.2021, seeks
regular bail in connection with Sonbarsa P.S. Case No. 126 of
2020 registered for offences punishable under Sections 414,
420, 272, 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 370.71 litres of foreign
liquor from a truck bearing Registration No. RJ14GE 9146.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has clean antecedent and he has falsely
been implicated in the present case. The alleged recovery has



been made from a truck bearing Registration No. RJ14GE 9146. His specific submission is that the said truck is not owned by the petitioner nor it is registered in the name of the petitioner. Petitioner is in custody since 30.07.2021. Nothing has been recovered from the possession of the petitioner. From the FIR it would also appear that other co-accused like driver, *khalasi* as well as owner of the liquor are also made accused. Petitioner has no concern with the accused persons.

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 nature of allegation made against the petitioner in the FIR as well as no recovery has been made from the possession of the petitioner or from his house and taking into consideration the period of custody undergone by the petitioner, 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 Additional District and Sessions Judge II-cum-



Special Judge, Excise, Sitamarhi in connection with Sonbarsa
P.S. Case No. 126 of 2020 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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