

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63797 of 2021

Arising Out of PS. Case No.-368 Year-2021 Thana- SHASTRINAGAR District- Patna

BHARAT KUMAR S/o Late Deeplal Mistry Resident of Maurya Path
Musahri, P.S.- Shastrinagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-05-2022 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 Shastrinagar P.S. Case No. 368 of 2021, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is of recovery of 341 litres of country made liquor from the possession of accused persons named in the F.I.R. including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner, rather, he has been roped in the



present case because two other cases are pending against him, which are also registered under Section 30(a) of the Bihar Prohibition and Excise Act. The petitioner is in custody since 27.08.2021.

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 aforementioned facts and circumstances of the case and period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 4,00,000/- (Rs. Four Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Shastrinagar P.S. Case No. 368 of 2021, 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.

(Purnendu Singh, J)

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