

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65077 of 2021

Arising Out of PS. Case No.-542 Year-2021 Thana- HISUWA District- Nawada

RAJU KUMAR, S/o Rajesh Saw Resident of Village - Kutchary Road Hisua,
P.S. - Hisua, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Upendra Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2022 Heard the parties through video conferencing.

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, who is in custody since 17.09.2021,
seeks regular bail in connection with Hisua P.S. Case No. 542 of
2021, for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
180.060 litres of illicit Indian Made Foreign Liquor was
recovered from the Enova vehicle bearing registration No. JH-
01P-2572 and petitioner was also apprehended on the spot along
with scooty as well as cash of Rs. 3600/- and mobile phone.
Accordingly, seizure-list was prepared.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner has no criminal antecedent and nothing incriminating article or illicit liquor was recovered from the conscious possession of the petitioner. He further submits that petitioner is neither the owner of said Enova vehicle bearing registration No. JH-01P-2572 nor he has any concerned with the seized Scooty.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the fact that trade of illegal illicit liquor in the State of Bihar is rampant, since the seized transported vehicles are registered outside the State of Bihar, the District Transport Officer, Nawada is directed to submit a report, positively, within a week after communication of this order with respect to vehicle bearing registration No. JH-01P-2572, which entered inside the State with huge quantity of liquor as well as Scooty bearing registration No. BR-27M-3410. The D.T.O report so submitted showed specifically give details regarding genuineness of registration. It is found that the registration is fake then appropriate legal action must be taken



against all the accused persons in accordance with the provisions of Central Motor Vehicles Act and Bihar Motor Vehicles Taxation Act as well.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to take action in accordance with the report so submitted and if it is found that *prima facie* petitioner is innocent, who was apprehended while he was fleeing after seeing the raiding team has no connection with the seized vehicles or the illicit liquor, the petitioner, above named, is directed to be enlarged on bail, after considering the report submitted by the District Transport Officer, Nawada that the said vehicles do not belong to the petitioner, 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 Addl. Sessions Judge-II-cum-Special Judge, Nawada in connection with Hisua P.S. Case No. 542 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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