

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65805 of 2021**

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

RAJESH SAW @ RAJESH KUMAR, S/o Ambika Saw Resident of Village-
Kutchary Road, Hisua, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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 18.09.2021,
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 one Raju Kumar 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. He further submits that petitioner was not apprehended on the spot and he is only father of Raju Kumar, who is said to be apprehended on the spot.

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 illicit liquor in the State of Bihar is rampant, which have been transported on vehicles, which are registered outside the State of Bihar. The District Transport Officer, Nawada is directed to submit a report, positively, within a week of the communication of this order with respect to vehicle bearing registration No. JH-01P-2572 from which huge quantity of liquor were carried for sell inside the State of Bihar as well as Scooty bearing registration



No. BR-27M-3410. The D.T.O, Nawada has to give specific details regarding genuineness of the said number plates, if the aforesaid number plates are found forged, then in that case appropriate legal action be taken against them as per the provisions of Central Motor Vehicles Act and Bihar Motor Vehicles Taxation Act.

Considering the aforementioned facts and circumstances of the case and the fact that petitioner was not apprehended on the spot, 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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