

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68597 of 2021

Arising Out of PS. Case No.-772 Year-2020 Thana- KANKARBAG District- Patna

CHHOTU KUMAR S/o Arjun Paswan R/o village- Jhoparpatti Near
Patliputra Khel Parisar, P.S.- Kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Special Case No. 5870 of 2020, arising out of Kankarbagh P.S.
Case No. 772 of 2020 for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 500 litres of country
made mahua liquor from a Piaggio tempo near Patliputra Khel
Parisar by the patrolling team of Kankarbagh Police Station.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has clean antecedent and petitioner



has no concern either with the said tempo or with the seized illicit liquor. Petitioner is in custody since 17.07.2021. He further submits that deliberately name of the petitioner has been dragged in the present case and the real mafia engaged in illicit trade of liquor has been left by the police authority which has effected the seizure. He further submits that petitioner is not the owner of the vehicle from which huge quantity of liquor was recovered and he is not involved, in any manner, either in smuggling or manufacturing or sale of illicit liquor inside the capital city or within the territory of the State where there is complete prohibition.

Learned APP for the State has opposed the prayer of grant of bail to the petitioner. He submits that this is one example in which 500 litres of mahua liquor has been seized in the heart of the town of the State capital. Hence, the petitioner does not deserve to be released on bail.

The District Transport Officer, Patna is directed to submit a report to the IG/Prohibition and the Additional Chief Secretary, Prohibition and Excise, Bihar with respect to owner of the vehicle bearing registration no. BR01PH4427 within a week from the date of communication of this order.

The IG/prohibition shall take all measures to stop



illicit trade of liquor, in particular, within the capital city of Patna and, in general, in the State of Bihar and to that extent he must submit a report to the Additional Chief Secretary, Prohibition and Excise, Bihar.

Shri Vikash Kumar, learned SC-11 is directed to communicate this order to the IG/Prohibition and Additional Chief Secretary, Prohibition and Excise for taking necessary action.

Considering the specific statement made by the petitioner in Para-3 of the bail application that petitioner has clean antecedent and in para-7 he has stated that nothing has been recovered from his personal possession, petitioner has no concern either with the said tempo from which alleged recovery has been made or with the seized liquor, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.100,000/- (Rupees one lac)** with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Kankarbagh P.S. Case No. 772 of 2020, 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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