

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40503 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- KANTI District- Muzaffarpur

ANIMESH PATEL Son of Sri Raj Kumar @ Raj Kumar Mahto Resident of
village - Madho Tola, Lakhanchand, P.S. - Mokama, Distt. - Patna
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and the State.

The petitioner is in custody in connection with Kanti
P.S. Case No. 340 of 2023 for the offence under Sections 30(a),
32 (i)(ii), 36, 41(1) of the Bihar Prohibition and Excise Act,
2016-18 lodged on 08.05.2023 by the informant, Uma Kant
Singh.

The prosecution case, in brief, is that on 08/05/2023,
the informant received information that a bus was stopped by an
antisocial element at Darbhanga Mor and on this information, he
alongwith police party reached at the place of occurrence and
found no one had stopped the said bus, the driver had stopped
the said bus and ran away. When the police searched the said
bus, it was found that liquor was kept in the basement of the
bus. In the meantime four persons came and enquired how he
entered the Bus. The police arrested all the four persons.



They disclosed their names as Sakindra Kumar Ram Pravesh Patel Prashant Kumar and Ajay Kumar. Thereafter, on being searched in the presence of two independent witnesses total 1522.920 liters of illicit foreign liquor was recovered from the said bus bearing Reg. No. UP81DT-2452 and seized.

It was further stated that arrested accused Ram Pravesh Patel told police that the man who escaped was also involved in it and accordingly, the police arrested him. He disclosed his name as Animesh Patel (Petitioner). Further arrested accused persons told name of persons who involved in it as Anil Mahto, P.S.I., Rameshwar Uraw and P.S.I. Jitendra Kumar Singh. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that initially, the petitioner was not amongst the four persons who were apprehended by the Police. Further, as they came to be arrested, one of them, Ram Pravesh Patel named this petitioner also to be part of the gang and accordingly, he too was taken into custody. The recovery/seizure of 1522.920 liters of foreign liquor has been from the abandoned bus with which the petitioner had nothing to do. As the registration no. itself shows that the same belongs to Uttar Pradesh. Further, he has already been suffered by being in custody since the date of occurrence



i.e. 09.05.2023 (as stated in paragraph 13 of the petition).

The last submission is that irrespective of the outcome of the present petition, an amount of Rs. 15,000/- to be deposited with the Patna High Court Legal Services Committee.

Learned APP opposes the prayer stating that all of them were part and parcel of the alleged recovery of 1522.92 liters of foreign liquor and the petitioner cannot be exonerated from the allegation.

Considering the fact that initially they were apprehended and on the confession of one of them, Ram Pravesh Patel, the name of this petitioner came out, has already suffered by being in custody since 09.05.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzaffarpur, in connection with Kanti P.S. Case No. 340 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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