

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75095 of 2023

Arising Out of PS. Case No.-384 Year-2023 Thana- BARBIGHA District- Sheikhpura

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Bittu Kumar @ Bittu Mandal S/O Binod Mandal Resident Of Dhadka,
Asansol, Ps. South Dhadka, Dist. Bardhaman

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barbigha (Keoti O.P.) P.S. Case No. 384 of 2023, lodged on
05.09.2023 under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 224.245 litres of
foreign liquor has been recovered which is the subject matter of
the present case.

4. Learned counsel for the petitioner submits that he
also seeks regular bail in another Cr. Misc. No. 75125 of 2023
because it is also lodged under same Barbigha (Keoti O.P.) P.S.
Case No. 384 of 2023 dated 05.09.2023 and under same section
which is section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018. Counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. Counsel



also submits that the antecedent of the petitioner is clean and he is in custody since 05.09.2023.

5. Learned counsel for the petitioner submits that in this case, the petitioner i.e. Bittu Kumar has taken lift on the car as the car belongs to a company and the petitioner was completely ignorant of the fact that what is loaded on the said car. Counsel also submits that the petitioner of second case i.e. Manjay Kumar is alleged to be the driver of the said car and submits that since the car belongs to company therefore, he was completely unaware that what is loaded and only on the instruction of the owner of the car, the petitioner was driving it. But when police searched the vehicle then they become aware that excise materials has been loaded on the car. Counsel further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura in connection with



Barbiga (Keoti O.P.) P.S. Case No. 384 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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