

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56962 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- MALSALAMI District- Patna

Bittu Kumar son of Suresh Ravidas @ Suresh Das Mohalla- Hajiganj,
Kaimashikoh, P.S- Chowk, dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh
Mr.Rudra Deo
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Bindeshwar Prasad Singh, learned
Advocate for the petitioner and Mr. Ramesh Chandra, learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Malsalami P.S.
Case No. 288 of 2024, registered for the offences punishable
under Sections 468/471 of the Indian Penal Code and Sections
30(a)/30(d) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. The police on a tip off trafficking of illicit wine
apprehended one Rajesh Rana who disclosed the name of co-
accused Ritik Kumar and on the basis thereof, the police
conducted a raid in his house. In course of raid, the police found



that four persons, including the petitioner, were indulged in packaging the wine. Altogether 95.50 litres Indian made foreign liquor was recovered from the said house.

4. Learned Advocate for the petitioner contended that from the narratives made in the FIR it is evident that the alleged recovery has been made from the house of Ritik Kumar and only because of the fact that the petitioner was present in that house, his name has been implicated in this case. The petitioner has neither any concern with the co-accused nor with the alleged recovered illicit wine. It is next contended that only on suspicion the name of the petitioner has been implicated in this case. Moreover, there is other infirmity in the search and seizure, apart from non-compliance of Section 100 of the Cr.P.C. The petitioner is a man of fair antecedent and now he has been in custody since 17.06.2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was found indulge in trafficking of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire recovery has been made from the house of co-accused Ritik Kumar, coupled with the fact that the investigation of the crime



is complete and the chargesheet has been submitted and the petitioner having fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, Patna in connection with Malsalami P.S. Case No. 288 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

