

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81176 of 2024

Arising Out of PS. Case No.-173 Year-2020 Thana- KUTUMBA District- Aurangabad

Anil Kumar, Son of Rajendra Prasad Mehta, Resident of Village-Jasoiya, P.S.-
Aurangabad, District - Aurangabad (Bihar), Pin - 824101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Kutumba P.S. Case No. 173 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. On a tip-off trafficking of illicit wine, the police intercepted a Tempo bearing registration no. BR-26PA-6535 and apprehended two persons who were found sitting in the Tempo. On search, 78.9 liters country made liquor and one mobile were recovered. The apprehended person disclosed the name of one Dilip@ Jugnu with his mobile number 7543903502.

4. Learned counsel for the petitioner contended that the petitioner is not named in the FIR. However, during the



course of investigation, it has come that the mobile number, which has been disclosed by the apprehended person belongs to the petitioner and, on the basis thereof, the petitioner has been implicated in this case. Save and except the disclosure made by the apprehended person, there is no material suggesting complicity of the petitioner in the present crime. The petitioner has neither any concern with the Tempo nor the alleged recovered illicit wine. The seizure list witnesses are none else but the police personnel and, as such, there is complete defiance of Section 100 CrPC. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding.

5. Learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case only on account of he being the holder of the mobile number in question, which has been disclosed by the apprehended person without there being any other cogent material(s), suggesting his complicity, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No.01, Aurangabad in connection with Kutumba P.S. Case No. 173 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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