

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82999 of 2025

Arising Out of PS. Case No.-351 Year-2025 Thana- JAGDISHPUR District- Bhojpur

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Bhuttan @ Vikki Sharma @ Butan S/o- Raghunath Sharma @ Raghunath Vishwakarma Village- Jagdishpur, Ward No. 18, Jhanjhariya Pokhara, P.S.- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Jagdishpur PS. Case No. 351 of 2025 dated 02-10-2025, instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act,2018.

3. The allegation is of recovery of 90 litres of foreign liquor from the grill shop of co-accused Abhishek Kumar @ Abhishek @ Appu Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that no incriminating article has been recovered from the conscious possession or



from the house of the petitioner; rather, the alleged recovery was made from the grill shop of co-accused Abhishek Kumar @ Abhishek @ Appu Kumar, who was apprehended at the spot and is said to have disclosed the petitioner's name, on the basis of which, the petitioner has been implicated in the instant case. Further submission is that the petitioner has no concern either with the seized illicit foreign liquor or with the apprehended co-accused. Lastly, it is submitted that although one criminal case of a similar nature is pending against the petitioner, he is already on bail in that case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1 Bhojpur at Ara/ concerned court, in Jagdishpur PS. Case No. 351 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly



represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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