

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12883 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- GUTHANI District- Siwan

Ram Pravesh Yadav, male, aged about 40 years, son of Late Mishri Yadav, R/o village - Mamaur, P.S.- Guthni, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioner and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Guthni PS Case No.14 of 2020 dated 11.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he is one of the three persons, who had run away from the place of



occurrence when the police had come and in front of the house of the co-accused, Azad Paswan, twelve cartons of english wine were recovered.

5. Learned counsel for the petitioner submitted that he was neither caught nor anything was recovered from his possession or from his house. It was submitted that only because of his name being taken by the crowd and without there being any identification as to who had taken the name of the petitioner, he has been made accused due to local village politics. It was submitted that the petitioner does not have any criminal antecedent.

6. Learned APP submitted that the petitioner was also one of the persons who had run away when the police had seized the liquor from the site. However, he did not controvert that recovery was made in front of the house of co-accused, Azad Paswan, and not the petitioner.

7. 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.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



Additional District and Sessions Judge 2nd -cum- Special Judge (Excise), Siwan, in Guthni PS Case No.14 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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