

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13156 of 2020

Arising out of PS. Case No.-42 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Pramod Yadav, Male, aged about 38 years, Son of Kriti Narayan Yadav
Resident of Village - Mohni, P.S.- Kasba, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-10-2020

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

2. Heard Mr. Praveen Kumar Agrawal, learned counsel for the petitioner.

3. Though the name of Mr. Parmanand Prasad, learned APP who has been assigned the brief has been printed in the cause list and he had also been sent the link for joining the proceeding by the Technical Assistant, he did not appear.

4. Accordingly, the Court has taken the assistance of Mr. Jharkhandi Upadhyay, learned APP In-charge of the Court.



5. The petitioner apprehends arrest in connection with Case No. C1-42 of 2020 dated 27.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

6. The allegation against the petitioner is that from behind his house in a bag 3.750 litres of foreign liquor was recovered.

7. Learned counsel for the petitioner submitted that there is no recovery either from the conscious possession or from the house of the petitioner and the recovery was from behind the house for which he is not responsible and even otherwise, the recovery is only of 3.75 litres of foreign liquor. It was further submitted that the petitioner has no criminal antecedent.

8. Mr. Jharkhandi Upadhyay, learned APP submitted that the petitioner was responsible for the recovery. However, he could not controvert the fact that recovery has been made from outside the house of the petitioner and the total recovery is of 3.75 litres of foreign liquor.

9. 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) each



with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Purnea in Case No. C1-42 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) 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.

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

(Ahsanuddin Amanullah, J)

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