

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13176 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- Riga District- Sitamarhi

- =====
1. Umesh Ram (male), aged about 30 years, son of Matuk Ram.
 2. Sanjeev Paswan (male), aged about 27 years, son of Ram Ekval Paswan @
Ram Ekval Paa.

Both are resident of Village- Ramnagar Virata, Ward No. 16, P.S.-Riga,
District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-10-2020

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

2. Heard Mr. Shankar Kumar, learned counsel for the
petitioners.

3. Though Ms. Veena Rani Prasad, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) was
allotted the brief and her name also appeared in the list and link
was also sent to her to join the proceeding yesterday itself but
she did not appear. When the Technical Assistant of the Court
called her on mobile, she said that she was unable to join the



proceeding.

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

5. The petitioners apprehend arrest in connection with Riga PS Case No. 356 of 2019 dated 31.12.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

6. The allegation against the petitioners is that they were also present in the field, which belonged to Sakaldeo Singh, but managed to run away when the police came, from where three persons were arrested and they took the name of the petitioners and from two of them two litres of country made liquor was recovered.

7. Learned counsel for the petitioners submitted that they were not caught at the spot and only because of the name disclosed by the persons arrested they have been implicated. It was further submitted that the liquor has been recovered from the possession of the two co-accused totaling two litres and nothing else was recovered to indicate that the petitioners were dealing in the business of illegal liquor. Learned counsel further submitted that the petitioners have no criminal antecedent.

8. Learned APP submitted that the petitioners having



run away, there is no question of any recovery from them and further that the co-accused have taken the name of the petitioners as the persons who were present there and had fled away.

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 petitioners 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in Riga PS Case No. 356 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they 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 their bail bonds. The petitioners 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 their bail bonds.

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

(Ahsanuddin Amanullah, J)

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