

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17930 of 2020

Arising Out of P.S. Case No.-229 Year-2019 Thana- MIRGANJ District- Gopalganj

=====

Guddu Singh, Male, aged about 40 years, Son of Late Shivji Singh @ Sheoji Singh, Resident of Village - Dharnihata, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the State : Ms. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-05-2020

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

2. Heard Mr. Vyas Kumar Mishra, learned counsel for the petitioner and Ms. Asha Devi, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Mirganj PS Case No. 229 of 2019 dated 17.09.2019 instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that on information that he was bringing liquor from UP, upon chase, he left the *Santro* car, bearing registration of the State of Haryana,



near a brick kiln and had run away and from the said car, 336.960 litres of illegal wine was recovered.

5. Learned counsel for the petitioner submitted that the petitioner was not caught at the spot and that he is also not the owner of the vehicle which has been seized. Learned counsel submitted that only because a local person has taken his name, that too, without any basis, he has been made an accused. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 11.01.2020.

6. Learned APP submitted that as per the allegation, the petitioner was coming in the vehicle from which recovery has been made.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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 learned Additional District and Sessions Judge II-cum-Special Judge, Excise, Gopalganj in Mirganj PS Case No. 229 of 2019, subject to the conditions (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. 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.)

P. Kumar/ Anand Kr.

AFR/NAFR	
U	
T	

