

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17666 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- BIHTA District- Patna

Vishal Yadav @ Vishal Kumar, aged about 25 years, Male, Son of Late Satendra Rai Resident of Village - Maudahi, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Bihta PS Case No. 41 of 2020 dated 12.01.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was involved in the business of illicit liquor.

5. Learned counsel for the petitioner submitted that



two other named co-accused were caught in connection with another case by the police and they had disclosed that there was wine kept in the sand and when the police reached the spot 834.54 litres of English wine was recovered. It was submitted that nothing was recovered from the conscious possession of the petitioner and that he has no criminal antecedent and is in custody since 12.01.2020. It was further submitted that only on the basis of the statement of co-accused in another case, the petitioner's name has been falsely dragged in the present case.

6. Mr. Md. Arif, learned APP submitted that as per the allegation, the recovered illicit liquor was being dealt with by the petitioner also among others.

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 Special Judge, Excise, Patna in Bihta PS Case No. 41 of 2020, 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)

Anjani/P. Kumar

