

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19191 of 2020

Arising Out of PS Case No.-28 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Raju Kumar, Gender-Male, aged about 25 years, Son of Hare Ram Singh,
Resident of Ward No. 45, Chhoti Aighu, Mohan Eghu, Mohanaigh, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S K Lal, Advocate
For the State : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-06-2020

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

2. Heard Mr. S K Lal, learned counsel for the petitioner
and Mr. Rajendra Prasad Nat, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with
Muffasil PS Case No. 28 of 2019 dated 17.01.2019 instituted
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and two others is
that they were in the business of illicit liquor in connection with
which there was recovery of 3600 litres of foreign liquor from a
truck parked in a school premises.



5. Learned counsel for the petitioner submitted that there is no connection of the said recovery with the petitioner as he was neither caught at the place nor anything has been recovered from him. It was submitted that only on suspicion, his name has been mentioned in the FIR. Learned counsel submitted that one of the three persons, including the petitioner, who have been named and accused of being involved in such trade, one of them, namely Kanhaiya Kumar has been granted bail on 05.12.2019 in Cr. Misc. No. 76205 of 2019. It was submitted that the petitioner has one other criminal case against him of similar nature. It was submitted that the petitioner is in custody since 18.01.2020.

6. Leaned APP submitted that there has been huge recovery of illicit liquor and the petitioner was one of the persons indulging in such trade.

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 Sessions Judge-II-cum-Special Judge (Excise Act) Begusarai in Muffasil PS Case No. 28 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, 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.)

P.Kumar/Anand Kr.

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