

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17551 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- KATEYA District- Gopalganj

Akshay Kumar Baitha @ Achhay Kumar Baitha (Male), aged about 20 years,
Son of Madan Baitha Resident of Village - Derwa Bazar, P.S.- Gopalpur, Distt
- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Zainul Abedin

**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 Kateya PS Case No. 42 of 2020 dated 11.02.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was coming to Bihar from Uttar Pradesh riding a motorcycle from which 41 litres of illicit wine was recovered.



5. Learned counsel for the petitioner submitted that the motorcycle did not belong to the petitioner and false recovery has been shown. It was further submitted that the petitioner has no other criminal antecedent and is in custody since 12.02.2020.

6. Learned APP submitted that the petitioner was bringing liquor from the State of Uttar Pradesh for being sold in the State of Bihar.

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 IInd Additional Sessions Judge-cum-Special Judge (Excise), Gopalganj in Kateya PS Case No. 42 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

