

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17459 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- MANER District- Patna

1. Raushan Kumar (Male) aged about 24 years, Son of Late Biphan Chaudhary Resident of Village - Saray Mohalla, P.S.- Maner, District- Patna
2. Rakesh Kumar @ Rakesh Saw (Male) aged about 30 years, Son of Late Rajesh Saw Resident of Village - Saray Mohalla, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, 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. Binay Kumar Singh, learned counsel for the petitioners and Mr. Zainul Abedin, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Special Excise Case No. 878 of 2020, Maner PS Case No. 38 of 2020 dated 24.01.2020, instituted under Sections 30(a)/30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. The allegation against the petitioners is that when the police reached the place of occurrence, they were riding on motorcycle which they left and tried to run away but were caught



after chase and on the seat of the motorcycle in a can, 50 litres of country made liquor was recovered and near the motorcycle two more cans, each containing 50 litres of country made liquor were recovered.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and nothing has been recovered from their conscious possession. It was submitted that even the motorcycle, which had no registration number, and is said to have been recovered, does not belong to them. Learned counsel submitted that the petitioners have no other criminal antecedent and are in custody since 24.01.2020.

6. Learned APP submitted that the petitioners were dealing in liquor and on seeing the police they tried to run away leaving behind the liquor which has been caught and they were arrested.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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 Special Judge, Excise Act, Patna in Special Excise Case No. 878 of 2020, Maner PS Case No. 38 of 2020, subject to the conditions (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. 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.

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

(Ahsanuddin Amanullah, J)

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