

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19300 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- BACHHWARA District- Begusarai

AVINASH KUMAR Son of Ram Babu Singh Resident of Village - Rajaura,
P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shree Niwas Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 11-06-2020

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a)/32(2)/41(2) of the Bihar Prohibition & Excise Act, 2016 and Section 414 and 120B of the Indian Penal Code.

Allegation is recovery of 1486 liters of whiskey from a Pickup van, 691 litres of whiskey from Maruti Suzuki and 885 litres of liquor from the field of Ram Badan Rai and Damo Mahto. Petitioner and three other co-accused were apprehended by the police while they were trying to flee away after seeing the police.

It has been submitted on behalf of the petitioner that



he is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the petitioner except one mobile set which is said to have been recovered from the pocket of the petitioner. It is further submitted that petitioner has no concern with the recovered liquor and the said vehicles also do not belong to the petitioner. Similarly placed co-accused Randhir Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.02.2020 passed in Cr. Misc. No.15132 of 2020. Petitioner has no criminal antecedent and he is in custody since 20.01.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bachhwara P.S. Case No.14/2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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