

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17540 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- SAUR BAZAR District- Saharsa

Bhavesh Kumar, aged about 25 years, Son of Rajendra Prasad Yadav @
Rajendra Yadav, Resident of Village - Gamhariya, P.S.- Sourbazar
(Bajjnathpur O.P.), Distt - Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the State : 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 Special (Excise) Case No. 35 of 2020 arising out of Sourbazar (Bajjnath OP) PS Case No. 22 of 2020 dated 15.01.2020 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 and 272/273/34 of the Indian Penal Code, 1860.



4. The allegation against the petitioner and two other accused is that 15 litres of country-made wine was found in the bag of the petitioner.

5. Learned counsel for the petitioner submitted that the bag did not belong to the petitioner. It was further submitted that he is in custody since 16.01.2020 and there is one other case against the petitioner in which he has been granted bail.

6. Mr. Md. Arif, learned APP submitted that from the bag of the petitioner 15 litres of country-made wine was recovered.

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 thousands) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise Act), Saharsa in Special (Excise) Case No. 35 of 2020 arising out of Sourbazar (Baijnath OP) PS Case No. 22 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

