

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17420 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- PARBATTI District- Khagaria

Tinku Yadav, aged about 22 years (male), son of Bhudev Yadav, resident of Village- Lagar, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, 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. Ranjeet Kumar Singh, learned counsel for the petitioner and Mr. Rajesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner seeks bail in connection with Parbatta P.S. Case No.88 of 2019 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was involved in the sale of wine through home delivery.

5. Learned counsel for the petitioner submitted that allegation is that near the house of the petitioner two persons



were spotted carrying plastic bag on a motorcycle and when the police came, they ran away and the local *Chaukidaar* had given the name of the petitioner and another person. Learned counsel submitted that due to village enmity he has been falsely implicated. It was submitted that the motorcycle did not belong to the petitioner and the total quantity alleged to be recovered is 4.635 litres. Learned counsel submitted that falsely the petitioner has been implicated in three other cases of similar nature and in the present case also, merely on suspicion, he has been made accused. Learned counsel submitted that the petitioner himself surrendered on 13.01.2020.

6. Learned APP submitted that the petitioner is in the business of home delivery of illicit liquor.

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 bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ADJ II-cum-Special Judge (Excise), Khagaria, in Parbatta P.S. Case No. 88 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. 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)

J. Alam/-

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