

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19190 of 2020

Arising Out of PS Case No.-9 Year-2020 Thana- SIKTY District- Araria

-
1. Krishna Kumar, aged about 25 years (M), Son of Ram Prasad Mandal,
 2. Samim Ansari, aged 22 years (M), Son of Sahim Ansari,
Both are resident of Village - Kankhudiya, P.S. - Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners are in custody in connection with Sikty PS Case No. 09 of 2020 dated 08.01.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners is that from their motorcycle, 76.500 litres of *Nepali* wine was 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 the petitioners have no other criminal antecedent and are in custody since 09.01.2020.

6. Learned APP submitted that the SSB force caught the petitioners while coming from Nepal with illicit liquor.

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 2nd Additional Sessions Judge-cum-Special Judge, Araria in Sikty PS Case No. 09 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, tamper with the evidence or influence the witnesses. 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.)

P.Kumar/Anand Kr.

AFR/NAFR	
U	
T	

