

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19854 of 2020**

Arising Out of PS. Case No.-31 Year-2019 Thana- MORO District- Darbhanga

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Alam Sekh @ Md. Alam Sheikh, Male, aged about years, Son of Sanaullah
Resident of Village- Seikhpur Dagwara, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 02-07-2020

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

2. Heard Mr. Girish Chandra Jha, learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Moro PS Case No. 31 of 2019 dated 13.12.2019 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’) and 25 (1-B)(a)/26/35 of the Arms Act.



4. The accusation against the petitioner, though not named in the FIR, is that from the vehicle which was registered in his name, about 176 litres of illicit liquor was recovered.

5. Learned counsel for the petitioner submitted that he has no connection with the recovery and has been falsely implicated. It was stated that though the petitioner was the original owner of the car from which recovery is said to have been made, but he had sold the car to one Ritesh Kumar Jha, but actual transfer of the vehicle had not taken place; however, the transaction was recorded on stamp paper. It was submitted that no recovery has also been made from the petitioner. Learned counsel submitted that co-accused Surya Kant Choudhary @ Banthu has been granted bail on 18.02.2020 in Cr. Misc. No. 7572 of 2020 and co-accused Ravi Shankar Thakur has been granted bail in Cr. Misc. No. 10738 of 2020 by order dated 28.02.2020. It was further submitted that similarly situated co-accused Aman Kumar @ Aman Kumar Choudhary @ Ravi Aman Kumar has also been granted bail in Cr. Misc. No. 15559 of 2020 on 14.05.2020. Learned counsel submitted that though the petitioner is accused in another case under the Act but in the same he is on bail. It was submitted that in the present case, the petitioner is in custody since 23.01.2020.



6. Learned APP submitted that the petitioner was the owner of the vehicle which was used for carrying illicit liquor and, thus, he is involved in such trade and also that he has one more criminal antecedent.

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 thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in G.O. Case No. 1284 of 2019 arising out of Moro PS Case No. 31 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, 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 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)

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