

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21041 of 2020

Arising Out of PS. Case No.-264 Year-2018 Thana- BIHTA District- Patna

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PANKAJ KUMAR Son of Sachitanand Yadav @ Sachidanand Prasad
Resident of Village - Daulatpur, P.S.- Bihta, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Special Case No. 2421 of 2018 arising out of Bihta PS Case No. 264 of 2018 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on the basis of certain information regarding preparation and selling of wine, the police party proceeded to verify the same. Three accused persons fled away from the place on seeing the police. 1000 litres of country made wine has allegedly been recovered from the field. The three arrested persons have said the names of fifteen persons, including the petitioner, as being involved in liquor trade.



Learned Counsel for the petitioner submits that the petitioner's name has been taken on the basis of extraneous consideration. Admittedly, he was not present or arrested from the place of alleged recovery. He has no criminal antecedent and he is in custody since 24.4.2020. There is no recovery of any liquor from the petitioner's possession.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in Special Case No. 2421 of 2018 arising out of Bihta PS Case No. 264 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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