

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22084 of 2020

Arising Out of PS. Case No.-629 Year-2019 Thana- Minapur District- Muzaffarpur

Hemant Kumar Singh, aged 30 years (Male), Son of Late Lalan Singh,
Resident of Village Lautan, P.S. Minapur, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-08-2020

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

2. Heard Mr. Anish Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Minapur PS Case No. 629 of 2019 dated 27.12.2019 corresponding to GR No. 2528 of 2019, instituted under Sections 30(a)/41 of the Bihar Prohibition and Excise Act, 2016 and 272/273/420/120B/414 of the Indian Penal Code.

4. The allegation against the petitioner, along with 9



other named and 2-3 unknown persons, is of dealing in the business of illicit liquor.

5. Learned counsel for the petitioner submitted that he was not caught at the spot and only because the driver of the pick-up van from which recovery has been made has named him, he has been implicated in the case. Learned counsel submitted that the said driver-cum-owner of the pick-up van, who was arrested at the spot, has been granted bail. Learned counsel further submitted that the petitioner has no other criminal antecedent and is in custody since 27.03.2020.

6. Learned APP submitted that there has been recovery of 2157.12 litres of liquor and the driver-cum-owner of the pick-up van has said that the petitioner was also one of the persons who was at the spot getting the liquor loaded on the pick-up van forcibly and had run away on seeing the police. It was submitted that the petitioner is indulging in the business of illicit liquor along with others.

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 Special Judge



(Excise), Muzaffarpur in Minapur PS Case No. 629 of 2019 corresponding to GR No. 2528 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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