

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31844 of 2020

Arising Out of PS. Case No.-516 Year-2019 Thana- BRAHMPUR District-Buxar

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Bhola Nath Rai, aged about 28 years, Gender- Male, Son of Ganga Sagar Rai,
Resident of Village-Pachpherwa, P.O.-Dallupur, P.S.-Brahmpur, District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-12-2020

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

2. Heard Mr. Prashant Kumar, learned counsel for the petitioner and Mr. Madan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioner submitted that at the time of filing of the application, due to the situation prevailing, the application was not supported by affidavit, but subsequently affidavit of the application has been prepared, which shall be *e* filed before the Court today itself. Let the same be done.

4. The petitioner is in custody in connection with



Brahmpur PS Case No. 516 of 2019 dated 09.11.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

5. The allegation against the petitioner is that he was also one of the persons who fled away, when the police had gone on secret information that he along with two others was engaged in the business of liquor, and from the cremation ground 60.840 litres was recovered but nobody was caught.

6. Learned counsel for the petitioner submitted that besides having clean antecedent, nothing was recovered from him and only on the basis of some secret information which basically is only suspicion, he has been named. It was submitted that the petitioner is in custody since 05.07.2020

7. Learned APP submitted that the police had specific information that the petitioner along with two others was indulging in such business but did not controvert that some secret information was received and further that he was not identified at the spot by any one.

8. 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Buxar in Brahmpur PS Case No. 516 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.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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