

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31860 of 2020**

Arising Out of PS Case No.-185 Year-2020 Thana- RAJAPAKAR District- Vaishali

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Kundan Kumar, age 20 years, Male, Son of Tuntun Paswan, Resident of
Village- Mahua Singh Rai West Tola, P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 23-12-2020

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

2. Heard Ms. Rina Sinha, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Incharge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State, as Mr. Kumar Virendra Narayan, learned APP, who was assigned the brief, due to connectivity issues requested the Court to take assistance from Mr. Jharkhandi Upadhyay, learned APP for today.



3. The petitioner is in custody in connection with Rajapakar PS Case No. 185 of 2020 dated 08.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he along with another person was riding a motorcycle had thrown 80 litres of foreign liquor on seeing the police.

5. Learned counsel for the petitioner submitted that he has no connection with the recovered liquor and has been falsely implicated because when the police asked him to show his documents, he showed the xerox copies of the relevant documents and an altercation took place at the spot leading to such false implication. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 10.08.2020.

6. Learned APP submitted that the petitioner was riding his motorcycle on which 80 litres of liquor was being carried and on seeing the police, the same was thrown. However, he did not dispute that the recovery was not actually made either from the possession or the motorcycle and the only allegation is that it was thrown from the motorcycle.

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 Additional Sessions Judge-II-cum- Excise Court, Vaishali at Hajipur in Rajapakar PS Case No. 185 of 2020 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.)

P. Kumar/Anand Kr.

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