

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31795 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- BRAHMPUR District- Buxar

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Dinesh Yadav (Male), aged about 38 years, Son of Bihari Yadav, Resident of
Village-Balua, 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. Umesh Kumar Singh, Advocate
For the State : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-12-2020

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

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

3. The petitioner is in custody in connection with Brahmpur PS Case No. 192 of 2019 dated 02.05.2019 corresponding to CIS-Excise-443/2019, Excise G.R. No. 419 of 2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016

4. The allegation against the petitioner is that he was



involved in the business of illicit liquor along with two other co-accused and upon confidential information received by the police, when they had gone to the cowshed of co-accused Putul Singh, three persons upon seeing them had run away and from the underground storage in the cowshed of Putul Singh, 27 cartons of liquor, each having 48 pieces of 180 ml., the total being 1296 pieces equivalent to 233.28 litres, was recovered and all three accused, including the petitioner, were identified by the people of the locality.

5. Learned counsel for the petitioner submitted that he has been falsely implicated and has no connection with Putul Singh from whose cowshed the recovery has been made. It was submitted that there is no recovery from him and further that he has been falsely implicated by the police due to local village politics. It was further submitted that co-accused Dharmendra Yadav has been granted bail by a coordinate bench on 24.01.2020 in Cr. Misc. No. 2786 of 2020 having been remanded in the case on 29.11.2019, whereas in the present case the petitioner was remanded on 06.03.2020. Learned counsel submitted that though there are three cases of similar nature against him, but all of the same police station and in close proximity. It was submitted that as he was arrested in one case



he has been implicated in all other cases of similar nature.

6. Learned APP submitted that the petitioner is in the business of illicit liquor and is a habitual offender, as despite being involved in three other cases, he has again indulged in the same activity.

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 2nd-cum-Special Judge (Excise), Buxar in Brahmpur PS Case No. 192 of 2019 corresponding to CIS-443/2019, Excise G.R. No. 419 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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