

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78067 of 2019

Arising Out of PS. Case No.-558 Year-2019 Thana- MASAUDHI District- Patna

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1. Vinay Kumar, aged about 30 years (Male), S/o Late Indra Deo Yadav, R/o village- Chulhaichak, P.S.- Masaurhi, District- Patna
 2. Prince Kumar, aged about 37 years (Male) S/o Lalit Prasad,
 3. Arun Kumar Choudhary @ Arun Kumar, aged about 32 years (Male), S/o Late Mahendra Choudhary, both are R/o village- Kharauna, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Naresh Ray, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 12-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioners on phone through Court Master, as he has expressed his inability to come online due to lack of proper technological infrastructure available with him where he is presently residing, and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners seek bail in connection with Masaurhi P.S. Case No.558 of 2019 dated 24.07.2019 instituted



under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners is that from the Tempo they were travelling in, 300 litres of country made *Mahua* liquor was recovered.

5. Learned counsel for the petitioners submitted that they were only travelling on the Tempo from which the alleged recovery has been made, but the same did not belong to them and they were not connected with it as they were mere passengers. It was further submitted that the petitioners have clean antecedents and are in custody since 25.07.2019.

6. Learned APP submitted that recovery has been made from the conscious possession of the petitioners as they were passengers in the Tempo from which the illicit liquor has been recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge (Excise Act), Patna, in Masaurhi P.S. Case No.558 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative



of the petitioners (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners 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 their bail bonds.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

