

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27633 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- SONBERSA District- Sitamarhi

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Pawan Kumar, Son of Nand Lal Mahto, aged about 30 years, Male, Resident of Village- Bhatauliya, PS- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the State : Mr. Uday Chand Prasad, APP

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

Date : 30-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 22.07.2021, which was allowed.

3. Heard Mr. Uday Kumar, learned counsel for the petitioner and Mr. Uday Chand Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. Learned counsel for the petitioner submitted that he may be permitted to make correction in paragraph no. 1 of the application as sections of the Indian Penal Code under which also the FIR has been instituted, have been inadvertently not typed.

5. Permission granted.



6. Let such correction be made through *e-mode* latest by Monday (02.08.2021).

7. The petitioner apprehends arrest in connection with Sonbarsa PS Case No. 126 of 2020 dated 15.07.2020, instituted under Sections 414, 420, 272 and 273 of the Indian Penal Code.

8. The allegation, as per the FIR, is that when police on secret information received on 15.07.2020 that liquor was being unloaded from a truck near Munnilal Karpoori College, went there, nine persons were seen unloading cartons but on seeing the police, they fled away taking the pick-up van and two persons were caught with the truck, namely, Satish Gaur and Nizamuddin Siddiqui, who were the driver and *khalasi*, respectively of the truck from which 370.71 litres of liquor was recovered and they disclosed that the petitioner was one of the seven persons who had fled and they were the persons to whom liquor was sold.

9. Learned counsel for the petitioner submitted that only on a bald allegation, that too, of the arrested persons before the police, the petitioner has been made accused. It was submitted that neither the petitioner is connected to the truck nor to the seized liquor and only due to extraneous considerations, he has been made an accused having no other criminal antecedent.



10. Learned APP submitted that there has been recovery from a truck and the arrested persons have named the petitioner as being one of the persons to whom the liquor was sold.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 2nd cum Special Judge (Excise), Sitamarhi in Sonbarsa PS Case No. 126 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (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 illegal/criminal activity, act in violation of any law/statutory provisions, 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.

12. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

13. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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