

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28066 of 2020

Arising Out of PS. Case No.-123 Year-2020 Thana- KATRA District- Muzaffarpur

1. Dharmendra Rai @ Dharmendra Kumar, Gender-Male, aged about 22 years,
S/o Brahmadeo Rai @ Bramdev Rai,
2. Md. Soaib, aged about 25 years, S/o Late Moti Rahman,
Both resident of village- Nagwara, P.S.-Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kumar Alok, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-01-2021

Heard Dr. Alok Kumar Alok, learned counsel for the petitioners and Mr. Md. Fahimuddin, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Katra PS Case No.123 of 2020 dated 01.06.2020, instituted under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

3. The allegation against the petitioners is that eight cartons of liquor recovered from the orchard of one Nageshwar Sah, when the police had gone, two persons were seen running away and later on the name of the petitioners transpired as the



persons who had run away.

4. Learned counsel for the petitioners submitted that there is no evidence against the petitioners and only in the FIR due to suspicion that the petitioners were the persons, who had run away, they have been implicated. It was submitted that neither there has been any recovery nor there is any connection of the petitioners with the recovered liquor. Learned counsel submitted that the petitioner no. 1 has no criminal antecedent and the even against the petitioner no. 2, there is one case of 2015, and the same is under Sections 149, 341, 323 and 504 of the Indian Penal Code and not under the Act.

5. Learned APP submitted that the petitioners were among the persons who had run away and the liquor belonged to them. However, he did not controvert that there is no disclosure how the name of the petitioners was inserted in the FIR and who recognized them.

6. 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 petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of



the Special Judge, Excise, Muzaffarpur, in Katra PS Case No.123 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 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 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 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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