

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28114 of 2020

Arising Out of PS Case No.-110 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. Munna Chaudhary, Male, aged about 32 years, Son of Buniad Chaudhary.
 2. Buniad Chaudhary, Male, aged about 55 years, Son of Late Shivpujan Chaudhary.
- Both 1 and 2 are resident of Village - Gopalpur @ Gopalpur Chatti, P.S.- Hussainganj, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioners and Mr. Akbar Ali, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with C-III 110 of 2020 dated 08.06.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners, who are father and son is that when police went on a raid to their house on secret information that they were indulging in business of liquor, they fled away leaving behind 13 litres of liquor on the unbuilt road in front of their house, which was seized.



5. Learned counsel for the petitioners submitted that neither anybody has identified them nor there is recovery from their conscious possession or even their house and the said recovery is said to be from the road in front of the house of the petitioners for which they are not responsible as they have no connection with the same. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the police had secret information that they were indulging in the business of liquor and when they went there, two persons, i.e., the petitioners ran away leaving 13 litres of liquor on the road in front of their house. However, it was not controverted that no recovery has been made from the house of the petitioners.

7. 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 learned Additional District and Session Judge 2nd cum Special Judge (Excise), Siwan in C-III 110 of 2020 subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure, 1973 and further, (i) one of the bailors shall be a close relative of the petitioners, (ii) the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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