

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31948 of 2020

Arising Out of PS. Case No.-127 Year-2017 Thana- BANKA District- Banka

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1. Chandra Bhushan @ Chandra Bhushan Kumar @ Piter Kumar @ Piter Yadav, Age-22 years, Male, S/O Sudhir Yadav
 2. Rupak Yadav, Age-25 years, Male, S/o Diwakar Yadav
Both R/o Vill- Salarpur, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the State : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dhananjay Kumar Pandey, learned counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Banka (Barahat) PS Case No. 127 of 2017 dated 03.03.2017, instituted under Sections 30(a)/35(c) of the Bihar Prohibition and Excise Act, 2016.

4. The police on secret information had seized 1088 bottles of liquor from the Bolero Car and two persons were caught sitting inside the same. The petitioners have been named as persons who were escorting the Bolero on Honda Car and had managed to escape.



5. Learned counsel for the petitioners submitted that they are innocent and have been falsely implicated as there was rivalry between the two parties. It was submitted that the petitioners are not connected with the recovered article and also no recovery has been made from any place owned by them. It was submitted that the petitioners have no criminal antecedent. It was also submitted that similarly situated co-accused Sonu Yadav @ Sonu Kumar and Ajit Yadav @ Ajit Kumar @ Sujit Kumar have been granted bail by a coordinate bench on 07.01.2021 in Cr. Misc. No. 31457 of 2020. Similarly, it was submitted that another co-accused Ramdeo Kumar @ Mantu has been granted bail by a coordinate bench on 21.10.2020 in Cr. Misc. No. 27238 of 2020.

6. Learned APP submitted that the petitioners were the persons who were escorting the Bolero vehicle from which there has been recovery of liquor.

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 IInd Additional Sessions Judge, Banka in Banka (Barahat) PS Case No. 127 of 2017, 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.

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

(Ahsanuddin Amanullah, J)

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