

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30661 of 2020

Arising Out of PS Case No.-245 Year-2020 Thana- NAUBATPUR District- Patna

Puttu Kumar @ Puttus Kumar, aged about 30 years, (Male) Son of Ramashish Ray, Resident of Village- Mahuabag, P.S.- Parsa, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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

ORAL JUDGMENT

Date : 28-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Naubatpur PS Case No. 245 of 2020 dated 17.05.2020, instituted under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that 2108.805 litres of foreign liquor which was recovered from the under-



construction RO plant and two persons arrested, the name of the petitioner and three others has been taken by them as the persons to whom the said liquor belonged.

5. Learned counsel for the petitioner submitted that as per the FIR, the RO plant belonged to the petitioner, but that is factually incorrect as he was neither the owner nor has any connection with the RO plant. It was further submitted that similarly situated co-accused Upendra Kumar @ Upendra Yadav and Raj Kumar Yadav @ Raj Kumar have been granted anticipatory bail in Cr. Misc. No. 29001 of 2020 and Cr. Misc. No. 29265 of 2020, by orders dated 02.12.2020 and 05.12.2020, respectively.

6. Learned APP submitted that the petitioner, though not apprehended at the spot, his name was disclosed by the persons arrested and there is huge recovery of 2108.805 litres of foreign 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 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 Special Judge, Excise Act, Patna in Naubatpur PS Case No. 245 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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