

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40117 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- BHAGWANPUR District- Begusarai

Rahul Kumar, Male aged about 25 years, Son of Ramjapo Singh, Resident of Village-Telan, Jokia, PS- Bhagwanpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioner and Mr. Arvind Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Bhagwanpur PS Case No. 80 of 2021 dated 07.04.2021, instituted under Sections 120(b) of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

4. The allegation against the petitioner is that when the police on prior information that liquor was being unloaded from a truck near Jokia Tandi reached the poultry farm of co-accused



Raushan Singh, they found a truck in the northern mango orchard as also a tractor and a trailer which was loaded with cartons and upon search, 576 bottles of liquor was recovered from the truck whereas 525 bottles were recovered from the tractor and trailer. It is alleged that from confidential sources, it transpired those four persons, including the petitioner, in conspiracy with each other were dealing in storing and selling of illegal liquor.

5. Learned counsel for the petitioner submitted that only on suspicion based on information from some secret source, he has been made accused, but he has no connection, either with the truck or tractor trailer or the mango orchard or the poultry farm. It was submitted that the petitioner has got no other criminal antecedent. It was submitted that since there is nothing to connect the petitioner to the seized vehicles or the liquor, the bar of Section 76(2) of the Act would not be attracted in the present case.

6. Learned APP submitted that there is recovery of huge amount of liquor by the police. However, it was not controverted that the petitioner has been named on the basis of secret information received by the police and that, as per the FIR itself, the poultry farm was owned by another co-accused and not the petitioner.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the petitioner being named as an accused on the basis of information received from confidential sources and having no criminal antecedent as also the mango orchard and poultry farm not belonging to the petitioner, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, 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, Begusarai in Bhagwanpur PS Case No. 80 of 2021, 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.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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