

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30727 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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Ramesh Kumar, Male, aged about 28 years, S/O Kailash Ray, Resident of  
Village Mothahan Fakirana, P.S. Minapur, District Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Yogendra Kumar Singh, Advocate  
For the State : Mr. Ram Anurag Singh, APP

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

**Date : 29-01-2021**

The matter has been heard *via* video conferencing.

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

3. The petitioner apprehends arrest in connection with  
Excise Case No. 5 of 2020 (PR No. 07) dated 13.01.2020,  
instituted under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

4. The petitioner has been made accused in the case as  
it is alleged that the police received secret information about  
him keeping illicit liquor in the bamboo orchard of co-accused  
Raushan Kumar from where 361.20 litres of foreign liquor was



recovered.

5. Learned counsel for the petitioner submitted that he is innocent and has clean antecedent. It was submitted that nothing has been recovered either from the conscious possession of the petitioner or property owned by him and only on suspicion he has been made accused. It was further submitted that co-accused Raushan Kumar, from whose orchard recovery was made, has been granted anticipatory bail by a coordinate bench on 05.03.2020 in Cr. Misc. No. 11980 of 2020.

6. Learned APP submitted that the police had secret information that the petitioner was keeping liquor from the place where it has been recovered.

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, Muzaffarpur in Excise Case No. 5 of 2020 (PR No. 07), 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) the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) 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)**

Anjani/-

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