

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31663 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- MAHESI District- East Champaran

Tinku Kumar, aged about 26 years (M), Son of Suresh Rai Resident of Village- Mithanpura, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-02-2021

The matter has been heard *via* video conferencing.

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

3. The petitioner apprehends arrest in connection with Mehshi PS Case No. 74 of 2020 dated 06.03.2020, instituted under Sections 30(a)/41 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 intercepted the bolero vehicle on which liquor was being carried, two persons fled away from the same and the Chowkidar had identified the petitioner as one of them. The



recovery from the vehicle is of 29.625 litres of foreign wine.

5. Learned counsel for the petitioner submitted that the petitioner was neither caught nor any recovery has been made from him and there is only a bald allegation that he was one of the persons who had run away from the bolero vehicle. Learned counsel submitted that the FIR itself discloses that the occurrence took place at 10:00 pm and, thus, at that time it is not possible for even the Chowkidar to have recognized as to who the persons were who had run away and taking the name of the petitioner clearly indicates that he has been deliberately implicated in this false case. Learned counsel submitted that the petitioner has no other criminal antecedent and there is nothing to connect him, either to the vehicle or the liquor.

6. Learned APP submitted that the petitioner has been identified by the Chowkidar and was running away from the vehicle from which liquor was seized.

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 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in Mehshi PS Case No. 74 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)

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