

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32988 of 2020**

Arising Out of PS Case No.-244 Year-2020 Thana- RAJGIR District- Nalanda

Arvind Rajbanshi, aged about 35 years, Male Son of Manu Rajbanshi
Resident of Village - Purani Hardiya, P.S. - Rajauli, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the State : Mr. Md. Arif, APP

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

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Sanjay Prasad, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Rajgir PS Case No. 244 of 2020 dated 01.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that he was present in the house of Birendra Rajbanshi @ Pandit when the police raided and he along with wife of Birendra Rajbanshi was caught and from the house 45 litres of whisky and 24 litres of beer was seized.



4. Learned counsel for the petitioner submitted that only by chance the petitioner was present in the house as Rekha Devi, who was also caught, as she was his cousin sister and he had gone to meet her. It was submitted that the petitioner has no concern, either with the house or the recovered liquor, and has no criminal antecedent and is in custody since 01.08.2020.

5. Learned APP submitted that the petitioner was caught in the house from where the recovery was made. However, it was not controverted that the house did not belong to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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 Additional District and Sessions Judge III cum Special Judge Excise, Nalanda at Bihar Sharif in Rajgir PS Case No. 244 of 2020 subject to the conditions (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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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