

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31742 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

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Suman Singh, aged about 40 years, Gender-Male, S/o Late Bhola Singh,
Resident of Village- Shripur, Police Station- Kudhani, District- Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the State : Mr. Narendra Kumar Singh,

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Ravi Nandan, learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Baruraj PS Case No.180 of 2019 dated 27.08.2019, instituted under Sections 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the "Act").

3. The allegation against the petitioner is that part of illicit liquor totalling 3251.70 litres, seized from various vehicles, was that of the petitioner.

4. Learned counsel for the petitioner submitted that he



has been falsely implicated as he has no connection either with the vehicle or the recovered liquor. It was submitted that the petitioner was not caught and the allegation is that he had run away taking advantage of darkness, which is not true. It was further submitted that nothing has been recovered from the house of the petitioner and further, that he has no other criminal antecedent. Thus, learned counsel submitted that since there is no connection between recovery of liquor and the petitioner, the bar of Section 76(2) of the Act shall not apply in the present case.

5. Learned APP submitted that the persons, who were caught, have taken the name of the petitioner as being one of the persons, who were escorting the vehicles from which recovery was made.

6. 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 Special Judge, Excise, Muzaffarpur, in Baruraj PS Case No.180 of 2019, 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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