

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32035 of 2020

Arising Out of PS. Case No.-231 Year-2020 Thana- BARAUNI District- Begusarai

Keshav Kumar (Male-about 27 years), S/O Shambhu Singh, R/O- Vill.-
Keshave, P.S. - Barauni (Refinary O.P.), Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shubhesh Pandey, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Barauni (Refinery OP) PS Case No. 231 of 2020 dated 01.07.2020, instituted under Sections 414 of the Indian Penal Code and 30(a)/41(1)(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

4. The allegation against the petitioner and others is of dealing in illicit liquor and that from the truck and pick-up van when co-accused Mohit Kumar was arrested, he had taken the name of the petitioner and four other persons as being involved



in the trade of liquor.

5. Learned counsel for the petitioner submitted that besides there being no recovery from him or his house, only on the statement of co-accused Mohit Kumar he has been implicated in the case. It was further submitted that the petitioner has no criminal antecedent. Learned counsel submitted that Mohit Kumar who was arrested has been granted bail by a coordinate bench on 01.02.2021 in Cr. Misc. No. 36813 of 2020 whereas similarly situated co-accused Randhir Singh @ Mintu Singh @ Randhir Kumar @ Mintu has been granted anticipatory bail by a co-ordinate bench by order dated 20.01.2021 in Cr. Misc. No. 30550 of 2020. It was submitted that there is nothing to connect the petitioner with the recovered liquor and, thus, the bar of Section 76(2) of the Act would not apply.

6. Learned APP submitted that the arrested person Mohit Kumar has indicated that the petitioner was also one of the persons who was involved with the recovery of liquor made by the police.

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 Additional Sessions Judge II-cum-Special Judge, Excise Act, Begusarai in Barauni (Refinery OP) PS Case No. 231 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. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail 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.

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

(Ahsanuddin Amanullah, J)

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