

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31715 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- RAMGARHWA District- East Champaran

Sakil Ahmad @ Sakilu Rahaman, aged about 30 years (M), Son of Askik Mian, Resident of Village- Pachabhidiya, P.S.- Ramgarhwa, 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 : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Ramgarhwa PS Case No. 44 of 2020 dated 09.03.2020, instituted under Sections 272/273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner and others is that when the police on secret information went to the village, they saw some persons fleeing away on a four-wheeler and in



the light of the police jeep the Chowkidar and the spy, the petitioner and five other co-accused are said to have been identified and then the police found the said four-wheeler standing at the door of one Sattar Mian and on query the female members of the family disclosed that the vehicle was parked by the accused persons, including the petitioner, and from the Scorpio vehicle 23.50 litres of foreign liquor and 80 litres of country-made liquor in two sacks from the Bolero vehicle were recovered. It is alleged that when the house was searched nobody was found and then the police reached the house of one late Bigu Mahto and from the mango orchard situated behind the house, 1200 litres of raw spirit kept in 6 drums was recovered.

5. Learned counsel for the petitioner submitted that at night to recognize persons travelling inside a vehicle is highly doubtful and further that neither the Bolero nor the Scorpio vehicle belongs to him and nothing has been recovered from his possession or from his house. It was further submitted that the petitioner has no criminal antecedent. Learned counsel submitted that there is nothing to connect the recovered liquor to the petitioner and, thus, the bar of Section 76(2) of the Act would not apply in the facts of the present case.



6. Learned APP submitted that the petitioner was identified as being one of the persons on the vehicle who had fled away.

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, Motihari, East Champaran in Ramgarhwa PS Case No. 44 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)

Anjani/-

AFR/NAFR	
U	
T	

