

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32012 of 2020**

Arising Out of PS Case No.-77 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

Ankur Yadav, aged about 26 years, Male, Son of Shiv Shankar Yadav,
Resident of village- Sabdalpur, PS- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the State : Mr. Amit Kumar Rakesh, APP

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

ORAL JUDGMENT

Date : 08-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar Singh, learned counsel for the petitioner and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Sahebpur Kamal PS Case No. 77 of 2020 dated 11.03.2020, instituted under Section 30(a) of the Bihar Excise and Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



4. The allegation against the petitioner and co-accused Subhas Yadav is that they were indulging in the business of illicit liquor and from the wheat field of co-accused Subhas Yadav, recovery was of 7.5 litres of illicit liquor.

5. Learned counsel for the petitioner submitted that he has no connection either with the recovery or co-accused and, that the same has not been from his premises as it was from the wheat field of co-accused Subhas Yadav. It was submitted that the petitioner has no criminal antecedent. Learned counsel submitted that since there is no nexus or connection between the liquor recovered and the petitioner, the bar of Section 76(2) of the Act would not come into play.

6. Learned APP submitted that locals have informed the police that the liquor was both of the petitioner and co-accused Subhas Yadav. However, it was not controverted that recovery is from the wheat field of co-accused Subhas Yadav.

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 Sahebpur Kamal PS Case No. 77 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.)

P. Kumar

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