

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33019 of 2020

Arising Out of PS. Case No.-493 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Munna Kumar @ Munna Rai (male), aged about 36 years, S/o Ram Singhashan, R/o village- Lal Pokhar Dighi, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the State : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Anuj Kumar, learned counsel for the petitioner and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Hajipur Sadar PS Case No.493 of 2020 dated 26.08.2020, instituted under Sections 30(a)/56(c) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from his house 191.715 litres of foreign liquor was recovered.

4. Learned counsel for the petitioner submitted that the recovery is not from his conscious possession and the so-called house was under construction and he was not aware as to



who had kept the liquor as he has no connection with same. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 27.08.2020.

5. Learned APP submitted that the recovery of liquor is from the house owned by the petitioner and, thus, he cannot claim innocence.

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 Additional Sessions Judge-II- cum- Excise Court, Vaishali at Hajipur, in Hajipur Sadar PS Case No.493 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)

J. Alam/-

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