

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34711 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- RAGHOPUR District- Vaishali

1. Bijendra Rai (Male), aged about 28 years, son of Bashistha Rai.
2. Chunni Kumar @ Chunni Rai @ Chuni Kumar @ Chuni Rai (Male), aged about 25 years, son of Late Police Rai.
Both resident of village - Sukumarpur, P.S.- Raghopur (Rustampur O.P.),
Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar, learned counsel for the petitioners and Mr. Bishweshwar Ram, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Raghopur (Rustampur OP) PS Case No. 69 of 2020 dated 17.05.2020, instituted under Sections 414/34 of the Indian Penal Code and 30(a)(d)/41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioners and twenty



other named persons is that they were involved in manufacturing of countrymade liquor and supplying the same through stolen motorcycles.

5. Learned counsel for the petitioners submitted that only on suspicion and confidential information about the involvement of the petitioners as also twenty others, raid was conducted and some people ran away and recovery of sixty litres of countrymade *chulhai* liquor has been shown. It was submitted that the petitioners have clean antecedent and further, that neither the place of recovery, which is the banks of river Ganges nor the motorcycles belong to them. Thus, learned counsel submitted that since there is no connection either with the place of recovery or the liquor seized with the petitioners, bar of Section 76(2) of the Act would not be applicable.

6. Learned APP submitted that the police had prior information that the petitioners were also in the business of illicit liquor and on raid, 60 litres of the same has been recovered.

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 petitioners be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali at Hajipur, in Raghapur (Rustampur OP) PS Case No. 69 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 petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they 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 their bail bonds. The petitioners 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 their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall



take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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