

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36540 of 2020

Arising Out of PS. Case No.-596 Year-2018 Thana- BIKRAMGANJ District- Rohtas

Krishna Singh, aged about 30 years, (Male), son of Ramakant Singh, R/o village- Dhangain, P.S.- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-06-2021

The matter has been heard *via* video conferencing.

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

3. The petitioner apprehends arrest in connection with Bikramganj PS Case No. 596 of 2018 dated 31.12.2018, instituted under Sections 33 and 36 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation in the FIR is that on secret information that the petitioner was dealing in liquor, when the police went to the spot, one person was seen running away from the *Arhar* paddy field of Mesar Singh and the *Chaukidar* is said



to have identified the petitioner as the person who had fled away.

5. Learned counsel for the petitioner submitted that the field does not belong to him and further, that nothing has been recovered from his house. Learned counsel submitted that allegation of him being identified by the *Chaukidar* is also incorrect as from the very beginning, the police had gone with the preconceived notion that it was the petitioner, who was doing trade in liquor, and without correct identification, the person, who is said to have fled away, was identified as the petitioner, only to corroborate the initial allegation against him in the FIR. Learned counsel submitted that the petitioner has no other case under the Act against him. It was further submitted that the bar of Section 76(2) of the Act would not come into play in the present case as there is nothing to connect the ten litres liquor which has been recovered by the police from the field of co-accused.

6. Learned APP submitted that the police had prior information that it was the petitioner, who was in the business of selling liquor, and the *Chaukidar* has also identified him.

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 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, in Bikramganj PS Case No. 596 of 2018, 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)

J. Alam/-

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