

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33000 of 2020

Arising Out of PS Case No.-49 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Sohan Kumar, aged about 25 years, Gender-Male, Son of Beera Ray, Resident of Village - Mallikpur, Rustampur, P.S.- Raghapur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Jay Ram Prasad, learned counsel for the petitioner and Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with P R Didarganj PS Case No. 49 of 2020 dated 06.07.2020, instituted under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from the tempo he was driving, 150 litres of countrymade wine was recovered.



4. Learned counsel for the petitioner submitted that he was only the driver of the tempo which did not belong to him and, thus, he was not aware what was kept in the tempo. It was further submitted that the petitioner has no criminal antecedent and is custody since 07.07.2020.

5. Learned APP submitted that from the vehicle being driven by the petitioner, there is recovery of 150 litres of liquor.

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 learned Special Judge, Excise, Patna in P R Didarganj PS Case No. 49 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.)

P. Kumar

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