

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34465 of 2020

Arising Out of PS. Case No.-499 Year-2020 Thana- FORBESGANJ District- Araria

Md. Akhtar @ Md. Raja, Male, aged about 32 years, Son of Md. Abbas Ansari @ Quddus Resident of Village - Kali Mela Road Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the State : Mr. Ram Anurag Singh, APP

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

ORAL JUDGMENT

Date : 16-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Prasad Singh, learned counsel for the petitioner and Mr. Ram Anurag Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Forbesganj PS Case No. 499 of 2020 dated 25.06.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and four others, including the PDS dealer from outside the shop of whom liquor is said to have been recovered kept near kerosene drum.

5. Learned counsel for the petitioner submitted that the recovery is shown from outside the PDS shop of co-accused



Mahendra Prasad Sah and he is not involved in any way with him. It was further submitted that there is nothing to connect the petitioner to the recovered items and further that there has been no recovery from the house of the petitioner. Learned counsel submitted that prior to the present case, the petitioner has no criminal antecedent and only after two days, in another case, making similar allegation, he has been made accused, details of which has been brought on record by him in the supplementary affidavit. Learned counsel submitted that similarly situated co-accused Ram Kumar Choudhary @ Ram Kumar Bhagat @ Raj Kumar Bhagat and Suman Kumar @ Suman Mandal have been granted anticipatory bail by co-ordinate Benches by order dated 17.03.2021 in Cr. Misc. No. 34102 of 2020 and order dated 12.02.2021 in Cr. Misc. No. 32463 of 2020, respectively. Learned counsel submitted that even the local people who had gathered at the spot where recovery was made had not identified the petitioner and only on the allegation that he was also one of the persons named by the spy, he has been implicated in the present case.

6. Learned APP submitted that the petitioner is also alleged to be one of the persons connected with the recovered liquor. However, he did not controvert that co-accused Ram Kumar Choudhary @ Ram Kumar Bhagat @ Raj Kumar Bhagat



and Suman Kumar @ Suman Mandal are similarly situated, except for the other case against the petitioner.

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, Araria in Forbesganj PS Case No. 499 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

AFR/NAFR	
U	
T	

