

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35520 of 2020

Arising Out of PS. Case No.-147 Year-2020 Thana- BAJPATTI District- Sitamarhi

Love Kumar @ Lav Kumar @ Lav Kumar Pandit, aged about 26 years,
Gender-Male, son of Bahadur Pandit, resident of village- Bajpatti Sahu Tol @
Bangaon bazar, ward no.- 11, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Santosh Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bajpatti PS Case No. 147 of 2020 dated 04.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that he along with co-accused, Alok Kumar, was dealing in the business of



liquor.

5. Learned counsel for the petitioner submitted that no recovery has been made from the house of the petitioner and the same has been made from the house of the co-accused and only because the co-accused has made statement, that too before the police, that the petitioner had brought and kept the wine in his house, he has been implicated. It was that submitted that the petitioner's name has been taken due to rivalry as he is neighbour of co-accused and has a furniture shop. It was, thus, submitted that the bar under Section 76(2) of the Act would not apply as the recovered liquor cannot be connected to the petitioner.

6. Learned APP submitted that the person from whose house liquor has been recovered has taken the name of the petitioner and that it was the petitioner, who had brought the liquor and, thus, is involved in such trade.

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 ADJ II cum Special Judge, Excise Act, Sitamarhi, in Bajpatti PS Case No. 147 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)

J. Alam/-

AFR/NAFR	
U	
T	

