

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37172 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Vijay Kumar @ Vinay Kumar, male, aged about 25 years, Son of Ram Walak Singh, Resident of Village- Panchveer, P.S. Sahebpur Kamal, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Kumar, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashish Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Sahebpur Kamal PS Case No. 212 of 2020 dated 29.06.2020, 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 was one of the four persons and three persons who had run away from the Car which was intercepted by the police from which 40.125 litres of liquor was recovered and the driver of the vehicle was caught, who has disclosed his name as Shubham Kumar, and had taken the



name of the petitioner, Balveer Paswan and Nitish Kumar, that they were the three persons who had run away and the liquor was taken from Murari Singh.

5. Learned counsel for the petitioner submitted that besides not being caught at the spot he has been falsely implicated by Shubham Kumar due to old family dispute. In support of such contention, learned counsel drew the attention of the Court to Annexure-2, i.e., the pleader notice sent by the mother of Shubham Kumar, and an agnate of the father of the petitioner, dated 10.11.2018 for seeking return of the money he had taken. Thus, it was contented that there cannot be any question of there being any good relationship or partnership of the petitioner with Shubham Kumar, who was caught by the police. It was submitted that the petitioner has no other criminal antecedent. Learned counsel submitted that the petitioner has no concern with the vehicle from which recovery has been made and, thus, such recovery cannot be connected to him and the bar of Section 76(2) of the Act would not apply in the present case.

6. Learned APP submitted that the driver, who was caught by the police, has named 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 Special Judge, Excise Act-cum-Additional Sessions Judge, Begusarai in Sahebpur Kamal PS Case No. 212 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 petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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