

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37194 of 2020

Arising Out of PS. Case No.-189 Year-2020 Thana- PIRBAHOR District- Patna

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Anil Kumar (Male), aged about 26 years, son of Ashok Sah, resident of
Village - Naya Gaon, P.S.- Pirbahore, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar Pandey, learned counsel for the petitioner and Mr. Binod Kumar No. 3, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Pirbahore PS Case No. 189 of 2020 dated 22.04.2020, 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 when the police on information went to Musallahpur Kargil, from the *kabari* shop of one Vishal Kumar, 44.1 litres of English wine was recovered and he is said to have stated that he was doing



such business along with the previous owner of the shop i.e., the petitioner.

5. Learned counsel for the petitioner submitted that neither any recovery has been made from the house or premises of the petitioner nor is there anything to connect the recovered wine to him and, thus, bar of Section 76(2) of the Act would not apply. It was submitted that only on the statement of Vishal Kumar, who was arrested, the petitioner has been made accused and he has falsely named the petitioner for the reason that at the time when the petitioner had given his shop to Vishal Kumar, some amount was left unpaid and the petitioner was asking him to do so. Learned counsel submitted that the petitioner has no other criminal antecedent under the Act, though he was accused in Mahila PS Case No. 15 of 2019 (Patna) instituted under Sections 376, 420, 504 of the Indian Penal Code, but later on, he has married the informant and now, living happily as husband and wife.

6. Learned APP submitted that Vishal Kumar has stated that he was doing the business of liquor along with 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, Patna, in Pirbahore PS Case No. 189 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)

J. Alam/-

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