

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37592 of 2020

Arising Out of PS Case No.-321 Year-2020 Thana- RAJAULI District- Nawada

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Birbal Rajvanshi, aged about 22 years, Son of Gorelal Rajvanshi, Resident of
Village - Parsa, PS- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the State : Mr. Shailendra Kumar No. 2 APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Krishna Deo Raj, learned counsel for the
petitioner and Mr. Shailendra Kumar No.2, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

2. The petitioner is in custody in connection with Rajauli
PS Case No. 321 of 2020 dated 16.07.2020, instituted under
Sections 30 (a)/41 and 52 of the Bihar Prohibition and Excise Act,
2016.

3. The petitioner was caught from the place where 60
litres of *mahua* liquor and 1,000 litres of fragmented *mahua* was
seized by the police.

4. Learned counsel for the petitioner submitted that as
per the FIR itself, recovery was from the distillery of one Dinesh



Yadav and not the petitioner and only because the petitioner was found near the place, he was arrested. Learned counsel submitted that he has no other criminal antecedent and is in custody since 17.07.2020.

5. Learned APP submitted that the petitioner was caught from the place from where such recovery has been made.

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 Additional District Judge-II cum Special Judge Excise, Nawada in Rajauli PS Case No.321 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.)

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