

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36923 of 2020

Arising Out of PS. Case No.-368 Year-2020 Thana- NAUBATPUR District- Patna

Sanjeev Kumar @ Sujit Kumar, aged about 32 years, male, Son of Late Suresh Sao @ Suresh Sharma, Resident of Village- Parsa, P.S.- Naubatpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Bhushan Prasad, Advocate
For the State	:	Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Vijay Bhushan Prasad, learned counsel for the petitioner and Dr. Mrityunjaya Kumar Gautam, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Special Case No. 4460 of 2020 arising out of Naubatpur PS Case No. 368 of 2020 dated 17.07.2020, instituted under Sections 30(a)/41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

3. The allegation against the petitioner, who is not named in the FIR, is that the co-accused from whose house recovery was made, has stated that the petitioner worked with him.

4. Learned counsel for the petitioner submitted that



the liquor was recovered from a Scorpio vehicle and the house of co-accused, but neither the petitioner was caught at the spot nor the Scorpio belongs to him nor the house was his and only because the owner of the house who was arrested has taken the name of the petitioner that he was also with him in the business of liquor, he has been made accused and arrested. Learned counsel submitted that besides having no criminal antecedent, he is also a witness on the seizure list. It was submitted that because the petitioner was a witness on the seizure list, to take revenge, the co-accused has taken his name. Learned counsel submitted that though in the order of the Court below it has come that the petitioner has another case under the Act against him but he has specifically stated at paragraph no. 7 of his application that such is error of record. It was submitted that the petitioner is in custody since 18.07.2020.

5. Learned APP submitted that the arrested person has taken the name of the petitioner that he was also in partnership with him in the business of liquor.

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 Special Judge, Excise Act, Patna in Special Case No. 4460 of 2020 arising out of Naubatpur PS Case No. 368 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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