

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33991 of 2020

Arising Out of PS. Case No.-483 Year-2020 Thana- GARDANIBAG District- Patna

1. Rishu Kumar @ Rishu Singh, aged about 25 years, Gender-Male, Son of Sanjay Singh
2. Sanjay Singh, aged about 51 years, Gender-Male, son of Sri Krishna Singh Both resident of village- Babu Bazar, Dhakanpura, P.S.- Gardanibagh, District- Bihar- 800002

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Nishant Kumar Sinha, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Gardanibagh PS Case No. 483 of 2020 dated 20.09.2020, instituted under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners is that the police while doing special checking, reached Babu Bazar, three persons standing near a hut ran away on seeing them and from the hut total 43.425 litres of various brands of liquor was recovered. It is



alleged that the local people disclosed that the petitioners and one Khudar Manjhi were doing the business and the hut belonged to co-accused Khudar Manjhi.

5. Learned counsel for the petitioners submitted that the only allegation is that they were the persons who had run away without there being any disclosure as to who had identified them. It was further submitted that they have no connection with the liquor and the hut also does not belong to them and further that they have no criminal antecedent.

6. Learned APP submitted that villagers had identified the petitioners that they were the persons who had run away and the allegation is that they were also into the business of liquor.

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 petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in Gardanibagh PS Case No. 483 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 petitioners, (ii) that



the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they 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 their bail bonds. The petitioners 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 their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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