

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37577 of 2020

Arising Out of PS Case No.-57 Year-2019 Thana- HATHAURI District- Samastipur

Dayanand Poddar, aged about 33 years, Gender-Male, Son of Baleshwar Poddar, Resident of Village- Kameshwar Nagar, Ward No. 08, PS- Hathauri (Shivajinagar OP), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Dilip Kumar Roy, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Hathauri (Shivajinagar) PS Case No. 57 of 2019 dated 26.05.2019, instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner, though not named in the FIR, is that from his mobile a call was made to the accused from whom there is recovery of 4207 litres of foreign liquor and beer.



4. Learned counsel for the petitioner submitted that there is no recovery from him and there is no direct link and only because it is alleged that a call was made from his mobile, he has been made accused and arrested. Learned counsel submitted that there is another case against him but in that also he was not directly involved. Learned counsel submitted that the petitioner is in custody since 06.07.2020.

5. Learned APP submitted that in connection with the recovery, it has been found that from the petitioner's mobile also a call was made to the other accused.

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 Sessions Judge IInd-cum-Special Judge (Excise), Samastipur in Hathauri Shivajinagar PS Case No.57 of 2019, 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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