

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37188 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- KHAGAUL District- Patna

Shyam Singh @ Shyam Kumar, aged about 20 years, male, S/o Jitendra Singh, R/o Village- Kothwa, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navnit Kumar, Advocate

For the State : Mr. Binod Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-07-2021

The matter has been heard *via* video conferencing.

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

3. The petitioner apprehends arrest in connection with Khagaul PS Case No. 110 of 2020 dated 17.06.2020, 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 at the place of occurrence, three young persons, who were riding a Scooty, tried to flee away after leaving the Scooty and the police caught one person, who



disclosed his name as Rahul Kumar and in presence of independent witnesses, five bottles, each containing 500 ML of liquor was recovered and from the back pocket of the jeans of the arrested person, one mobile and rupees four thousand cash was also recovered and he had disclosed the name of the petitioner along with Triloki Kumar as the persons, who had fled away.

5. Learned counsel for the petitioner submitted that he has no concern with the recovered liquor and since the parties are known to each other living in the same area there was friendship, but the petitioner was not aware of anything which was in the Scooty for the reason that the Scooty did not belong to him and the same was owned by the person, who was caught by the police. Thus, it was contended that since there is nothing to connect the petitioner, either to the Scooty or the recovered liquor, the bar of Section 76(2) of the Act would not apply. Further, it was submitted that there has been no recovery from the house of the petitioner and he has no other criminal antecedent.

6. Learned APP submitted that there has been recovery of liquor. However, it was not controverted that the name of the petitioner has transpired from the statement of the



accused, who was caught at the spot.

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 Khagaul PS Case No. 110 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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