

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11100 of 2021

Arising Out of PS Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

Mahadev Kumar @ Murari Kumar, Gender- Male, Aged about 20 years, Son of Daya Shankar Singh, Resident of Hanumangadhi, PS - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S K Lal, Advocate

For the State : Mr. Ram Sewak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S K Lal, learned counsel for the petitioner and Mr. Ram Sewak Choudhary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Matihani PS Case No. 16 of 2020 dated 19.02.2020, instituted under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2016.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 07.08.2020 passed in Cr. Misc. No. 22051 of 2020.



5. The allegation against the petitioner is that he was also dealing in illicit liquor and was connected to recovery of 4839.840 liters of liquor from a truck and Scorpio which was caught by the police.

6. Learned counsel for the petitioner submitted that though initially the petitioner along with four others had been named, but later on few other persons have also been made accused and seven persons have been granted bail in the present case except for the petitioner. It was submitted that there is nothing to connect the petitioner to the recovered liquor as neither the truck nor the Scorpio vehicle belonged to him and nothing has been recovered from the place. Learned counsel submitted that though earlier there are two cases of similar nature against him but co-accused Saurav Kumar, who has been granted bail by a co-ordinate Bench by order dated 19.08.2020 passed in Cr. Misc. No. 21819 of 2020, has five criminal antecedents. It was submitted that similarly situated named accused Bittu Kumar has also been granted bail by a co-ordinate Bench by order dated 08.07.2020 in Cr. Misc. 21754 of 2020. Learned counsel submitted that the petition is in custody since 28.04.2020 i.e., for almost a year now.



7. Learned APP submitted that the petitioner has also been named as one of the persons who was involved in trade of liquor and the seizure is of a huge amount.

8. 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-II-cum- Special Judge (Excise Act), Begusarai in Matihani PS Case No. 16 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.



9. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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