

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40588 of 2020

Arising Out of PS Case No.-280 Year-2020 Thana- DHAKA District- East Champaran

Saroj Rai @ Saroj Mukhiya, age about 56 years, Male Son of Sambhu Rai,
Resident of Village- Narkatiya Barharwa Siwan, PS- Dhaka, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Advocate
For the State : Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-03-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Ranjana Srivastava, learned counsel for
the petitioner and Ms. Veena Rani Prasad, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

3. The petitioner apprehends arrest in connection with
Dhaka PS Case No. 280 of 2020 dated 29.07.2020, instituted
under Section 280 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was
one of the persons who ran away when police came to the house



of co-accused Umesh Mukhiya and arrested him and seized 364 bottles of *nepali* countrymade wine totalling 109.200 litres.

5. Learned counsel for the petitioner submitted that he is a young man and innocent and because there is inimical terms with the arrested person, he has been named. It was submitted that no recovery has been made from the house of the petitioner and further that he has no criminal antecedent.

6. Learned APP submitted that the arrested person has named the petitioner as being one of the persons who had fled away from the scene.

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 7th ADJ, Motihari, East Champaran in Dhaka PS Case No. 280 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. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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