

(2021) 01 PAT CK 0215

In the Patna High Court

Case No : Criminal Miscellaneous No. 28088 Of 2020

Amar Nath Yadav @ Kariya And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 30(a)
Indian Penal Code, 1860 — Section 147, 149, 323, 337, 338, 341, 353, 504
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 3(2)(va)
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 01 PAT CK 0215

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Shiv Prasad Gupta, Anita Kumari

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Shiv Prasad Gupta, learned counsel for the petitioners and Ms. Anita Kumari, learned Additional Public Prosecutor (hereinafter referred to as the APPA) for the State.
3. The petitioners apprehend arrest in connection with Ara Nagar PS Case No. 655 of 2019 dated 25.12.2019, Excise Case No. 2620 of 2019, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016; 147/149/337/338/353/504/341/323 of the Indian Penal Code and 3(1)(r)(s)/3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. The allegation against the petitioners and others is that they were indulging in the business of selling liquor and when the police came they threw the

liquor and the police recovered 8 bottles of 180 ml. liquor from the plot of co-accused Himanshu Singh.

5. Learned counsel for the petitioners submitted that only on suspicion their names have been taken as nothing has been recovered from their

conscious possession and it is not alleged that any recovery was made from the premises which was owned by the petitioners or their father. Learned

counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the names of the petitioners were disclosed by the villagers as being the persons who indulged in the trade 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 4th Additional Sessions Judge-cum-Special Judge, Excise,

Bhojpur at Ara in Ara Nagar PS Case No. 655 of 2019, Excise Case No.2620 of 2019, 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 petitioner, 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 his bail bonds.

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