

(2021) 01 PAT CK 0240

In the Patna High Court

Case No : Criminal Miscellaneous No. 30671 Of 2020

Nandu Rai @ Nandu Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 28-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 272, 273
Code Of Criminal Procedure, 1973 — Section 438(2)
Bihar Prohibition And Excise Act, 2016 — Section 30(a)

Citation : (2021) 01 PAT CK 0240

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Umesh Chandra Verma, Sanjay Kumar Pandey

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and Mr. Sanjay Kumar Pandey, learned Additional Public Prosecutor
(hereinafter referred to as the "APP" for the State.
3. The petitioner apprehends arrest in connection with Piprakothi PS Case No. 80 of 2019 dated 29.03.2019, instituted under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.
4. Though the petitioner is not named in the FIR, in the restatement of the informant, it is alleged that the petitioner was also indulging in the business of liquor along with co-accused Mishri Lal Sahani, who is the named accused and from whose hut 150 litres of countrymade liquor was recovered.
5. Learned counsel for the petitioner submitted that only on suspicion, he has been named without there being any basis. Learned counsel submitted

that neither the petitioner is connected with the said recovered liquor nor with Mishri Lal Sahani and nothing has been recovered from his possession

or from his house. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the informant has stated that the informant had got secret information that the petitioner was also a partner with co-accused Mishri Lal Sahani in the business of illicit 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 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 Additional Sessions Judge cum Special Judge, Excise,

Motihari, East Champaran in Piprakothi PS Case No. 80 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal

Procedure, 1973. 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.