

(2021) 01 PAT CK 0254

In the Patna High Court

Case No : Criminal Miscellaneous No. 28105 Of 2020

Prithivi Raj

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 29-01-2021

Acts Referred:

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

Citation : (2021) 01 PAT CK 0254

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Vijay Kumar Sinha, Parmanand Kumar

Final Decision : Disposed Of

Judgement

1. Heard Mr. Vijay Kumar Sinha, learned counsel for the petitioner and Mr. Parmanand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.

2. The petitioner apprehends arrest in connection with Agam Kuan PS Case No. 03 of 2020 dated 01.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that the co-accused from whose house liquor was recovered has named him as his partner in such business.

It was submitted that neither any recovery has been made from his place nor there is any direct link of the recovered liquor to the petitioner except for the so-called confessional statement of co-accused, that too, before the police.

4. Learned APP submitted that the person from whose house recovery has been made has named the petitioner as his partner.

5. 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 Agam Kuan PS Case No. 03 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.

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