

(2020) 07 PAT CK 0032

**Patna High Court****Case No:** Criminal Miscellaneous No. 19808 Of 2020

Dabloo Rajak @ Pradeep Rajak

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** July 6, 2020**Acts Referred:**

- Bihar Prohibition And Excise Act, 2016 - Section 37(c)

**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Manoj Kumar Jha, Kalyan Shankar**Final Decision:** Disposed Of

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**Judgement**

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Manoj Kumar Jha, learned counsel for the petitioner and Mr. Kalyan Shankar, learned Additional Public Prosecutor (hereinafter

referred to as the "APP" for the State.

3. Learned counsel for the petitioner submitted that he has filed supplementary affidavit explaining the circumstances with regard to the statement

made in paragraph no. 3 of the main application that the petitioner does not have criminal antecedent. It was submitted that inadvertently the case

which has been mentioned in the impugned order is not against the petitioner. However, in another case of similar nature he is accused but he is on

bail in that case.

4. The petitioner is in custody in connection with Banka (Barahat) PS Case No. 114 of 2020 dated 11.02.2020 instituted under Section 37(c) of the

Bihar Prohibition and Excise Act, 2016.

5. The allegation against the petitioner is that he was one of the three persons caught in an inebriated state.

6. Learned counsel for the petitioner submitted that he was present at the spot where the other two were caught but wrongly, it has been alleged that the petitioner was also drunken, which he was not. It was submitted that the petitioner is accused in another case of similar nature where it is alleged that he was in a drunken state. It was further submitted that the petitioner is in custody since 11.2.2020.

7. Learned APP submitted that the petitioner has been found to be in a drunken state and consumption of liquor is also illegal in the State of Bihar.

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, Banka, in Banka (Barahat) P.S. Case No. 114 of 2020 corresponding to Special Excise Case No. 70 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 criminal activity,

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. The application stands disposed off in the aforementioned terms.