

(2020) 07 PAT CK 0303

Patna High Court

Case No: Criminal Miscellaneous No. 22028 Of 2020

Alok Kumar And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: July 16, 2020**Acts Referred:**

- Indian Penal Code, 1860 - Section 272, 273
- Bihar Prohibition And Excise Act, 2016 - Section 30(a), 41(1)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Bijay Prakash Singh, Chandra Sen Prasad Singh**Final Decision:** Disposed Of

Judgement

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

2. Heard Mr. Bijay Prakash Singh, learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor

(hereinafter referred to as the "APP" for the State.

3. The petitioners are in custody in connection with Siwan Mufasil PS Case No. 102 of 2020 dated 27.02.2020, instituted under Sections 272, 273 of

the Indian Penal Code and 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioners is that from the KWID car, which was being driven by petitioner no. 1 and the petitioner no. 2 was sitting in,

140 litres of foreign liquor was recovered.

5. Learned counsel for the petitioners submitted that the car did not belong to the petitioners. It was further submitted that the petitioners have no other criminal antecedent and are in custody since 28.02.2020.

6. Learned APP submitted that from the car in which the petitioners were present, there is recovery of 140 litres of foreign liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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 2nd

Additional Sessions Judge cum Special Judge, Excise, Siwan in Siwan Mufasil PS Case No. 102 of 2020 subject to the conditions (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

petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they 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 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 their bail bonds.

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