

**(2021) 01 PAT CK 0053**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 32232 Of 2020

Rupesh Kumar @ Tenia

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** Jan. 11, 2021

**Acts Referred:**

- Indian Penal Code, 1860 - Section 120B, 414
- Bihar Prohibition And Excise Act, 2016 - Section 30(a), 41(i)(2)

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Nasrul Hoda Khan, Akhileshwar Dayal

**Final Decision:** Disposed Of

**Judgement**

1. Heard Mr. Nasrul Hoda Khan, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
2. The petitioner is in custody in connection with Teghra PS Case No. 235 of 2020 dated 16.08.2020, instituted under Sections 414 and 120B of the Indian Penal Code and Sections 30(a) and 40(i)(2) of Bihar Prohibition and Excise Act, 2018.
3. The allegation against the petitioner is that the persons who were arrested with liquor by the police had stated that they had got the liquor from the petitioner's house who was dealing in such liquor.
4. Learned counsel for the petitioner submitted that based on this the petitioner was arrested and then he was implicated in another case, and when

the police went to his house there was recovery for which another case was instituted in which he is on bail. Learned counsel submitted that even the house from which recovery was made is jointly inhabited by many other family members and the petitioner cannot be held exclusively liable for the same. Learned counsel submitted that in the present case, the petitioner is in custody since 03.09.2020.

5. Learned APP submitted that from the house of the petitioner liquor being recovered itself indicates that he was in the business of such trade.

6. 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) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai in Teghra PS Case No. 235 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 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.

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