

**(2021) 01 PAT CK 0146**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 32215 Of 2020

Umesh Chaudhary @ Umesh  
Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** Jan. 20, 2021

**Acts Referred:**

- Bihar Prohibition And Excise Act, 2016 - Section 30(a)

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

**Bench:** Single Bench

**Advocate:** Ajay Kumar Tiwari, Ajay Kumar

**Final Decision:** Disposed Of

### **Judgement**

1. Heard Mr. Ajay Kumar Tiwari, learned counsel for the petitioner and Mr. Ajay Kumar No. 2, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
2. The petitioner is in custody in connection with Sasaram (M) PS Case No.197 of 2020 dated 26.06.2020, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation against the petitioner is that from the pickup van belonging to one Kuldeep Mahto, which the petitioner was driving, 165 litres Mahua liquor was recovered and another co-accused, Guddu Singh @ Guddu Chaudhary was also arrested as he was sitting in the pickup van.
4. Learned counsel for the petitioner submitted that he was merely driver of the pickup van being an employee of the owner and was not concerned or

aware of the articles recovered from the pickup van. It was further submitted that the petitioner does not have any other criminal antecedent and is in custody since 27.06.2020.

5. Learned APP submitted that the petitioner driving the pickup van from which recovery of illicit liquor has been made was definitely involved in the crime.

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) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge II-cum-Special Judge, Excise, Rohtas at Sasaram in Sasaram (M) PS Case No.197 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.