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**(2021) 02 PAT CK 0011**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 36957 Of 2020

Rohit Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 2, 2021

**Acts Referred:**

- Bihar Prohibition And Excise Act, 2016 - Section 30(a), 41

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

**Bench:** Single Bench

**Advocate:** Deepak Kumar, Anil Prasad Singh

**Final Decision:** Disposed Of

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### **Judgement**

1. Heard Mr. Deepak Kumar, learned counsel for the petitioner and Mr. Anil Prasad Singh, learned Additional Public Prosecutor (hereinafter referred

to as the "APP" for the State.

2. The petitioner is in custody in connection with Jakkanpur PS Case No. 348 of 2020 dated 31.07.2020, instituted under Sections 30(a) and 41 of the

Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from the tempo which he was driving 100 litres of countrymade liquor was recovered.

4. Learned counsel for the petitioner submitted that he is not the owner of the tempo and was only a driver and was not knowing what was kept in the tempo. It was submitted that the petitioner is in custody since 03.08.2020.

5. Learned APP submitted that recovery has been made from the tempo which was being driven by the petitioner.

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 learned Special

Court, Excise, Patna in Jakkanpur PS Case No. 348 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.