

(2021) 02 PAT CK 0025

Patna High Court

Case No: Criminal Miscellaneous No. 36926 Of 2020

Munna Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

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

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

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Siddharth Harsh, Md. Arif**Final Decision:** Disposed Of

Judgement

1. Heard Mr. Siddharth Harsh, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.

2. The petitioner is in custody in connection with Dehri (T) PS Case No. 407 of 2020 dated 12.06.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that he was caught upon chase by the police and from his bathroom, 52.5 litres of country-made liquor was recovered.

4. Learned counsel for the petitioner submitted that he has wrongly been made accused and not caught at the spot where recovery was made. It was further submitted that the petitioner, though having one case of similar nature of the year 2017, has not committed the present offence and is in custody since 13.06.2020.

5. Learned APP submitted that from the bathroom of the petitioner there has been recovery of liquor.

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 2nd

Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in Dehri (T) PS Case No. 407 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.