

(2021) 02 PAT CK 0026

Patna High Court

Case No: Criminal Miscellaneous No. 2194 Of 2021

Amar Nayak

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 3, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 272, 273
- Bihar Prohibition And Excise Act, 2016 - Section 30(a), 36, 38(a), 41(i)

**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Ranjeet Kumar, Dashrat Mehta**Final Decision:** Disposed Of

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**Judgement**

1. The matter has been heard via video conferencing.
2. Heard Mr. Ranjeet Kumar, learned counsel for the petitioner and Mr. Dashrat Mehta, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioner is in custody in connection with Pandaul PS Case No. 318 of 2019 dated 28.12.2019, instituted under Sections 272, 273/34 of the Indian Penal Code and 30(a), 36, 38(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.
4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 07.07.2020 in Cr. Misc. No. 3935 of 2020.
5. The allegation against the petitioner is that upon raid, the police recovered 2087 litres of foreign wine from his house and the petitioner was caught whereas co-accused Santosh Panjiyar fled away.

6. Learned counsel for the petitioner submitted that though there is recovery but the petitioner has clean antecedent and is in custody since

29.12.2019.

7. Learned APP submitted that from the house of the petitioner, there has been recovery of huge amount of liquor.

8. 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 Additional

Sessions Judge-II-cum Special Judge, Madhubani in Pandaul PS Case No. 318 of 2019 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.

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