

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11860 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. JITENDRA KUMAR
2. Anuj Kumar
Both sons of Dinesh Prasad, residence of Village- Shisha Mill (Fatuha),
Sundar Nagar, P.S.-Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 17-04-2019 Heard learned counsel for the petitioners and the

State.

The petitioners seek bail in **Special Case No. 5857**
of 2018 arising out of P.R. No. 61 of 2018, instituted for the
offence under Section (s) 30(A) of Bihar Prohibition and
Excise Act, 2016.

Prayer of the petitioners for grant of bail was earlier
rejected by this Court vide order dated 1.10.2018 passed in Cr.
Misc. 50041 of 2018 with liberty to renew their prayer for bail
after six months in the event no substantial process is made in
the case.

Report was called for from the court below which



has been received. From the report it appears that charge has been framed on 8.3.2019 and the case was fixed for evidence on 19.3.2019. It also appears from the report that no witness has been examined in the case.

It is alleged in the written report that 150 litres of Beer and 120 litres of country made liquor have been recovered from possession of the petitioners.

Counsel for the petitioners submits that petitioners have clean antecedent. He further submits that petitioners are in custody since 27.6.2018.

From the report of the court below it appears that there is no likelihood of conclusion of trial. The court below has mentioned in the report that trial may be concluded within nine months in the event both parties will cooperate in trial.

In such circumstances, keeping in view the clean antecedent of the petitioners and the period spent by them in custody, prayer of the petitioners for grant of bail is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise, Patna**, in connection with **Special Case No. 5857 of 2018 arising out of P.R. No. 61 of 2018**, subject to the



condition that both the bailors will be the close relatives of the petitioners with further conditions which are as follows:

(i) Petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioners will liable to be cancelled and (iii) if petitioners tamper with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioners.

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(Sanjay Priya, J)

