

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22985 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- DAGARUA District- Purnia

1. MUNNA KUMAR THAKUR, aged 21 years, Male, Son of Bhagwan Thakur Resident of Village - Raghapur, P.S.- Raghapur, Distt.- Supaul,
2. Abdulla Khan, aged 18 years, Male, Son of Haidar Khan Resident of Village - Simrahi Bazar, P.S.- Raghapur, Distt.- Supaul.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party : Meena Singh, Addl Public Prosecutor

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioners and learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 27.02.2019 in Dagarua Police Station Case No. 31 of 2019, Special Excise Case No. 186 of 2019 for the offence alleged under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition And Excise Act, 2016.

The prosecution, as lodged by the police personnel is that on secret information the pickup van of the petitioners was intercepted and on search 351 liters of licit liquor was recovered and petitioners were apprehended. Accordingly, seizure list was prepared.

It has been submitted by learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case due to high handedness of the police. He further submits that they have no criminal history and the petitioner no.1 was the driver of the said vehicle and petitioner no.2 was Khalasi of the vehicle and the illicit liquor do not belong to the petitioners.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the said vehicle belongs to the petitioner no.1 and in the confessional statement they have have stated that they would sell the said liquor in the village.

Considering the nature of allegation and the materials on record as well as the fact that the petitioners do not bear any criminal history, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Dagarua Police Station Case No. 31 of 2019, Special Excise Case No. 186 of 2019 to the satisfaction of the learned Additional Sessions Judge II cum Special Judge, Excise Act, Purnia, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his



relationship with the petitioners.

If the petitioners indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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