

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26207 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. AMARJEET KUMAR, aged about 27 years, Male, Son of Premshankar Sahi, Resident of Village - Khopi, P.S.- Runnisaidpur, Distt - Sitamarhi
 2. Prashant Kumar, aged about 24 years, Male, Son of Harinath Singh, Resident of Village - Tilak Tajpur, P.S.- Runnisaidpur, Distt - Sitamarhi
 3. Abhishek Kumar, aged about 21 years, Son of Shushil Kumar Singh, Resident of Village - Pitauihiya Bhada, P.S.- Hathauri, Distt - Muzaffarpur
- ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Ravi Ranjan, Adv.

For the Opposite Party : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 01-05-2019

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since 09.03.2019 in connection with Runnisaidpur P.S. Case No. 93 of 2019 for the offences alleged under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that illicit liquor is being carried in a four wheeler, the police intercepted a Maruti Suzuki vehicle and apprehended the petitioners. On search, from the vehicle 53.250 liters of Indian made foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. He submits that nothing has been recovered from their conscious possession and they are



languishing in judicial custody since more than one month.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Runnisaipur P.S. Case No. 93 of 2019 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise Act, Sitamarhi, or the successor Court, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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