

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26170 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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1. SUBHASH KUMAR, aged about 36 years, Male, Son of Pyare Lal Mandal
Resident of Village - Bijay Nagar, P.S.- Bariyarpur, Distt.- Munger
 2. Khuddal Mandal, aged about 19 years, Son of Mahendra Mandal Resident of
Village - Pairu Mandal, P.S.- Bariyarpur, Distt.- Munger

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar, Adv.

For the Opposite Party : Mr. Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-05-2019 Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor appearing for the State.

The petitioners seek bail in connection with Excise
Case No. 70c2/19 for the offence alleged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise
Officials, is that during the course of vehicle checking on the
basis of secret information the pick-up van driven by the
petitioner no. 1 in which petitioner no. 2 was the co-driver was
intercepted and on search 198 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, they



were just driver and co-driver of the said vehicle not the owner of the vehicle and did not know that illicit liquor was concealed. He submits that the petitioners are languishing in judicial custody since 20.03.2019 and being poor persons they have been sufficiently punished.

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

Considering the nature of allegations and the materials on record, let the petitioners, above named, be released on bail, **on completion of investigation**, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Excise Case No. 70c2/19 to the satisfaction of the learned Additional District Judge, II, Jamui, or the successor Court, subject to the condition that 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).

(Nilu Agrawal, J)

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