

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30096 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- GOVINDPUR District- Nawada

1. Umesh Ram, Son of Late Sukhdeo Ram, Resident of Village - J. P. Nagar, Baksoti, P.S.- Govindpur, District - Nawada.
2. Anil Ram, Son of Rajendra Ram, Resident of Village - J. P. Nagar, Baksoti, P.S.- Govindpur, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party : Mrs. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in connection with Excise Case No.380 of 2019 arising out of Govindpur P.S. Case No.46 of 2019 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the petitioners that the alleged recovery of 27 litres of *mahua* liquor along with two pots and one liquor making machine was from an open space and not from the conscious possession of the petitioners. From perusal of the first information report itself, it would transpire that when the police raided the place, many other persons who were present there managed to escape and it



was the petitioners who were apprehended. They being resident of the locality may be present, but they were not involved in either preparing liquor or consuming the same. They have become victim of circumstances and are in custody since 18.03.2019. It is further contended that they have got no criminal antecedent.

On the other hand, learned counsel for the State has opposed the application for grant of bail to the petitioners. He submitted that from the place of occurrence almost 1000 kg of boiled *mahua* flower was recovered, which was destroyed by the police at the place of occurrence and 27 litres of *muhua* liquor was seized. The petitioners were apprehended whereas the others present there managed to escape.

Considering the submissions made by the learned counsel for the petitioners, the period undergone by the petitioners in custody and the statement made in para 3 of the application that the petitioners have got no criminal antecedents, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Mawada in connection with Excise Case No.380 of 2019 arising out of Govindpur P.S. Case No.46 of 2019 subject to the



following conditions:-

(a) that the petitioners shall attend court in accordance with the conditions of the bond executed;

(b) that the petitioners shall not commit an offence similar to the offence of the present case; and

(c) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

