

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70790 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- BAHADURPUR District- Patna

1. Sonu Kumar @ Sonu Das, Gender-Male, age-32 years, son of Akhilesh Das
2. Gaurav Das @ Gaurav Kumar, Gender-Male, age-29 years, son of Akhilesh Das, both resident of Saidpur Nand Nagar, P.S. Bahadurpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Brahmachari, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No.218 of 2019 dated 30.07.2019 registered at Police Station-Bahadurpur, District-Patna under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Allegedly 60 liters *mahua* wine was recovered.

Learned counsel for the petitioners submits that they have been falsely implicated in this case. The recovery has not been made from the conscious physical possession of the petitioners.



It is submitted by learned counsel for the petitioners that the petitioners have roots in the society; and are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 31.07.2019. At this stage petitioners are not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No.6841 of 2019 arising out of Bahadurpur P.S.Case No.218 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the



learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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