

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70751 of 2019**

Arising Out of PS. Case No.-637 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

- 
1. Munna Kumar Pandey, aged about 41 years, Gender-Male, Son of Late Birjanand Pandey @ Brijnandan Pandey Resident of Village-Poktha, P.S.-Obra, District-Aurangabad.
  2. Md. Sanaullah @ Md. Sanaulla, aged about 43 years, Gender-Male, Son of Late Wazir Miyan Resident of Village-Holamgara, P.S.-Chatra, District-Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Dr.Mrityunjaya Kr.Gautam, Advocate  
For the Opposite Party/s : Mr. Tarun Prasad Mandal, 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.637 of 2019 dated 27.09.2019 registered at Police Station-Excise, District-Gaya under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

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

Allegedly 34.56 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 they are behind bars since 28.09.2019. 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 ADJ-V-cum-Special Judge Excise, Gaya in connection with Excise Case No.637 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)**

B.Kr./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

