

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76066 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

1. BRAJESH @ BRAJESH KUMAR SINGH Son of Yadvash Singh Resident of Village - Nonar, P.S.- Ramgarh, and District - Kaimur at Bhabhua.
2. Vikki Kumar @ Awanish Kumar Singh @ Ashwani Kumar Singh Son of Santosh Singh Resident of Village - Nonar, P.S.- Ramgarh, and District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in a case registered under Sections 30 (a) of Bihar Excise (Amendment) Act, 2018.

On the basis of statement of co-accused, who was apprehended at the scene of the crime along with illicit liquor in question, petitioners' counsel submits that the petitioners have wrongly been implicated in this case on extraneous consideration. Petitioners have no criminal antecedent and there is absolutely no recovery of prohibited substance under the Bihar Excise (Amendment) Act even as per allegations made in the first information report. It is submitted that no case under



the said Act is made out against the petitioners.

Learned APP for the State, with reference to Section 76 (2) of Bihar Excise (Amendment) Act, has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioners' counsel for the limited purpose of granting bail.

Let the petitioners above named, in the event of their arrest or surrender within four weeks from today, shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Kaimur at Bhabhua in Ramgarh Police Station Case No 220 of 2019 dated 10.09.2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on



each date and if they fail to do so on two consecutive dates, their
bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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