

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76061 of 2019

Arising Out of PS. Case No.-400 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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1. MD. KALAM, aged about 30 years, Male, Son of Md. Nasir @ Nasir Minya Resident of Village-Karhi, P.S-Arer, District-Madhubani.
 2. Shiv Shankar Bhandari, aged about 49 years, Male, Son of Late Sita Bhandari Resident of Village-Sursand, P.S-Sursand, District-Sitamarhi.
 3. Devendra Mandal, aged about 39 years, Male, Son of Late Dhunai Mandal Resident of Village-Nawahi, P.S-Sursand, District-Sitamarhi.
 4. Md. Sayeed, aged about 36 years, Male, Son of Md. Nazir Resident of Village-Laharniya, P.S-Harlakhi, District-Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi
For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners in the present case are seeking regular bail in connection with G.O. Case No. 973/2019, arising out of Sadar P.S. Case No. 400/2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that nothing has been recovered from conscious possession of the petitioners. Petitioners are staffs of the Bus as also they have no criminal antecedent, however, they are in custody since 24.09.2019.



Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of the petitioners that they are the Staffs of the Bus and the illicit liquor has been recovered from the Bus and not from the conscious possession of the petitioners as also that they have no criminal antecedent as also they are in custody since 24.09.2019, let the above-named petitioners be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge (Excise), Darbhanga, in connection with G.O. Case No. 973/2019, arising out of Sadar P.S. Case No. 400/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person 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.

(Rajeev Ranjan Prasad, J)

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